

A  
VINDICATION  
OF  
ELIZABETH MORE,  
FROM  
The Imputation of being a *Concubine*;  
AND  
Her CHILDREN,  
FROM THE

**Catche of Bastardy:**  
Confuting the Critical Observations of some  
late Writers.

By RICHARD HAY of Drumboote, C. R.

In the Body of this Book and the *Appendix* subjoin'd, there are  
several ancient and valuable CHARTERS, which serve  
to illustrate the Origine and Descent of the most conside-  
rable FAMILIES in SCOTLAND.

*Apud quos non cogaeret temporum annotatio; apud hos, ne historiae quidem ve-  
rae esse possunt: Tatianus, vetus apud Christianos Scriptor.*

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T O

*The Right Honourable,*  
**Sir Hugh Dalrymple of North-**  
**Berwick, Baronet ; Lord Pre-**  
**sident of the Session, &c.**

MY LORD,

**O**UR Ancient Historians, who were not fully acquainted with King Robert II's Affairs and Concerns, have charged, with a great deal of Confidence and Boldness, Elizabeth More to have been his Concubine; and her Son, John Lord Kyle, one of the best Princes that ever sate on the Throne, to have been unlawfully begotten. Mr. Inness and some late Writers, have us'd their utmost Endeavours to remove, by their Pamphlets, those black, heavy and monstrous Calumnies formerly thrown upon them, but without Success: For, in fixing the Date and Time of the King's Marriage with Elizabeth More, as I have set down, all that they alledge against Buchanan and his Confederates, neither removes those Prejudices upon which the World have laid so long Strefs, nor is of any Moment to the Purpose. Whereupon Mr. Sage, whom many admire and adore, hath laid down a new Scheme, which is inconsistent with the General Coun-

til of Lateran, held in 1215, and the 65<sup>th</sup> Canon of a National Council of our Country, assembled at Holy-rood-house in 1227. In which Year Pope Honorius III. dying, Gregory IX. succeeded to the Chair of St. Peter. In the One and the Other, the private Marriage is condemn'd, as null and unlawful; and the Child procreate, *constante occulto & clandestino matrimonio*, is declar'd spurious. Upon which Ground, Alexander Stuart, Abbot of Scoon and Inchaffray, Son to Alexander Duke of Albany, Brother to King James III. and Lady Katharine Saintclair, Daughter to William Earl of Orknay and Cathness, Lord High Chancellor, Chamberlain, Admiral; and Pannetier of Scotland; was declar'd Bastard, in a Parliament held at Edinburgh, the 13<sup>th</sup> of November, 1516, and secluded from the Succession and Dignities of Duke Alexander his Father; who had been divorced from Orknay's Daughter by John Otterburn, Official of Lothian, in March 1477, because the Duke and Lady Katharine were in the forbidden Degrees, *intra gradus a jure prohibitos*, and had been join'd quietly and privately in Marriage, *sine trina denunciatione*, solemniter in Ecclesia præmissa, ante conjunctionem; without any Proclamations or Solemnities; against the Canons and Decrees of the Church, and the Laws, Customs and Constitutions of the Realm,

The palpable Mistakes of those late Writers, have occasioned this Book; wherein I vindicate Robert III. and his Mother, from the false and scandalous Aspersions they have been loaded with, by such clear Evidences and Reasons, drawn from authentic Papers and original Records, as, I think, any impartial and judicious Man must allow to be sufficient for Conviction: And the deceast Sir James Dalrymple of Borthwick, Baronet, who hath acquired an immortal Reputation by his Collections, published in 1705; from the restless Malice, heavy Censures, weak and unseasonable Attacks of Mr. Sage, without any manner of Provocation given him.

Your Lordship's Noble Ancestors and Family, having received many distinguishing Marks of Favour from our Glorious Monarchs; this Work, how mean soever it be in the Performance, yet, upon the Account of the Subject and Design, will certainly be acceptable to You.

For,

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For, James Dalrymple, Son to Malcolm, who gave over the Half of that Barony to Sir John Kennedy of Donnonure, as I have noticed P. 15, was a great Favourite to King Robert III. and is Witness to a Charter of Confirmation of the said Barony, granted by that Prince to Sir James Kennedy, and Lady Mary Stuart his Daughter, design'd Sponsa suæ, the 27th of January 1405 \*. He left two Sons, Robert Dalrymple of Camraggan, Laucht and Dalbane, in the County of Carrick, Sheriffdom of Air: And James Dalrymple of Boltoun, Pilmure, Unnerboltoun, Pelbuth and Inglesfield, in the Sheriffdom of Edinburgh, and Constabulary of Haddingtoun. Which Lands he obtained of His Majesty, for his eminent and remarkable Services done to the Crown, whilst he was Ambassador towards Philip Duke of Burgundy, in 1449, and during his Negotiations elsewhere; as the Charter, dated at Edinburgh, 12 die mensis Augusti, Anno 1459; & Regni sui, 23, proports: Pro suo fideli servitio, nobis impenso & impendendo; & signanter, pro suis magnis laboribus, & gratuitis servitiis, tam in partibus ultra-marinis, quam in Regno nostro gratissime factis. Robert Dalrymple was succeeded in his Lands of Camraggan, by his Son John, upon his own Resignation at Stirline, decimo die mensis Augusti, Anno Regni Jacobi II. 4to, made in his Son's Favours, and his Lady's, named Joneta; and in his Lands of Laucht and Dalbane, by his Grandchild John Dalrymple: As appears by a Charter of James III. Num. 71, Lib. 8, dated at Edinburgh, 4to die mensis Julii, Anno 1473. As his Brother James was in the Barony of Boltoun, Pilmure, &c. by his Son John; whose only Daughter, Mirabella Dalrymple, Spouse to Thomas Saintclair, had a Grant of the Lands of Gosford, in the Sheriffdom of Edinburgh, Constabulary of Haddingtoun, from King James II. the 28 of January 1458: As is clear from the 53 Charter, Lib. 6, of our Records, Fol. V. 29.

John Dalrymple of Camraggan, Grandchild to Robert Dalrymple, had a Confirmation of those Lands granted to him, and his Lady, Elizabeth Dalrymple, by King James IV. 1498. His Son and Successor

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\* Carta 126 Jacobi II. Fol. R. 77.



cessor Duncan Dalrymple of Laucht, had a new Gift of the said Lands of Camraggan from King James V. Anno 1529, & Regni sui, 7. He left, by his Lady Elizabeth Kennedy, Janet Dalrymple, upon whom he settled the Lands of Camraggan; and William Dalrymple of Laucht, in whose Person the two divided Estates were again united and join'd into one Body, under Queen Mary, by her 78th Charter, Lib. 21. Which Charter is conceiv'd in the most obliging Terms can be imagined, for evidencing that unfortunate Princess her Esteem and Regard for a trusty and faithful Subject.

I'm afraid, I should be too prolix and tedious, if I should pursue what Marks of Honour our Kings have conferr'd on their Successors for a long Tract of Years: Yet I cannot but remark, That King Charles II. soon after his happy Restauration, nam'd my Lord Viscount of Stair, Your Noble Father, Lord President of the Supreme Civil Judicatory of our Nation: To whom Your Lordship, Heir of his extraordinary Abilities and Virtues, was nominate immediate Successor. Your Brother John Earl of Stair, was constitute one of the Principal Secretaries of State: Which Office he discharged with the universal Approbation of all Men. His Son the present Earl, Representative of Your Honourable Family, having behaved himself with the outmost Bravery at Stenkirk, and in all the daring Actions and amazing Victories, that our bold and successful Troops won in Flanders, over the formidable French Armies, at Ramillies, Oudenarde, Tannier and Doway, was advanced to be a Lieutenant General, Lord of the Bed-chamber, One of his Majesty's most Honourable Privy Council, and Knight of the most Noble Order of St. Andrew, and employed in the most solemn Embassies to the most Christian King and the Northern Crowns. Sir David Dalrymple of Hailes, Baronet, a Gentleman of great Integrity and of a sound Judgment, was promoted to be Lord Advocate by Queen Anne: Who had a particular Esteem for Sir James Dalrymple of Borthwick, Your Brother, a Person of incomparable Parts; to whom, I acknowledge publicly I owe a great deal, for his kind Concern in my Affairs, during the most distracted and most confus'd Times that are recorded in History.

MAY

*May Your Posterity and Their's, still increafing in Favour and Virtue, be loaded with all the Glorious Marks of Honour and Distinction, that can be bestowed by His prefent Majesty and His Illuftrious Succelfors, upon Their moft deferving Subjects. Thofe are, and fhall be, the earneft and constant Wifhes of,*

MY LORD,

YOUR LORDSHIP'S

*Moft Humble,*

*Moft Obedient,*

*and Moft Devoted Servant,*

**RICHARD HAT of Drumboore. C. R.**

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## Errata

**P**age 3, Line 5, before *Kymryk*, read *ye*. P. 17, L. 18, for *Senescallo*, read *Senescalli*. P. 35, In the Title, for *Appendix*, read *Appendicem*. P. 61, L. 4, for *in pursuing*, read *in pursuance*. P. 59, L. 26, for *his Majesty*, read *her Mayesty*. P. 124 L. 23, for *Phocus*, read *Phocas*: and L. 30, for *Candy*, read *Cyprus*. P. 132. L. 1, for *Bonontienfs*, read *Bononiensf*.

The other Errors are not material, and so may be the easier Corrected by the Reader.

*A Vindication of Elizabeth More, from the  
Imputation of being a Concubine, &c.*



**I**T is plain and beyond all Controversy, that Robert Steward of Scotland was lawfully married to Elizabeth More, Daughter to Rowallan, after he had purchased a Dispensation from Avignon; yet the several Calculations made by Mrs. Innes, Gray, Sage and Hearn, concerning the precise Time at which the Marriage was solemniz'd and consummate, cannot be allowed, otherwise John, Walter, Robert and Alexander, their Children, behov'd to have been notorious Bastards, and only legitimate *virtute supervenientis Matrimonii*. Which Blunders are as injurious to the Illustrious Race of our Kings, as the scandalous Accounts we have of his Marriage, from the Continuator or Abbreviators of Fordun, Major, Bremon Domat, Boetius, Lefly, Buchanan, Adam Abel, and other Writers, who have followed one another blindly, without great Variation, in relating that fabulous Story. The Reason is obvious:

Robert Duke of Albany, 3d Son to King Robert II. died, according to all our Historians, the 3d Day of September, 1419, in the Castle of Stirling, having attained the 81 Year of his Age, (*Octagenarius & ultra*) and so behoved to be born in 1338; for, subtracting 81 from 1419, there remains 1338: Walter, an Elder Brother, behoved to have been born in 1337; and John Lord Kyle, in 1336, as Alexander, the Youngest, in 1339: And so all

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Four behoved to have been born *extra Matrimonium*, since there was no regular Marriage before 1339 or 1340. This Computation then cannot be admitted, otherwise they had been debarred from their Father's Succession and the Crown, by our Laws and Constitutions of Scotland:

For in an old Manuscript of our *Regiam Majestatem*\*, transcribed by Thomas Finlayson, the 17 Day of April, in 1559, Chap. 48, it is said, *That he that is Air is no Bastard, and he that is gottin without Matrimony, cannot be Air.*

Sir John Skeen of Curriehill, Lord Register, who hath followed this Manuscript, as to the Substance, in his *Scottish Edition*, printed at Edinburgh in 1609, Chap. 50, Art. 1, hath thus: *Ane Bastard may succeed to na Man, as an Lawfull Air; likeas na Man, not gottin in Lawfull Marriage, may be an Lawfull Air.*

And to make us understand distinctly what Bairns or Children are Lawful, he starts this Question, Chap 51, *Gif ane Bairn is gottin and born betwix ane Man and ane Woman, befor Lawfull Marriage betwix them compleit, gif that Bairn is Lawful, or not; it being of veritie, that the Father of the Bairn therafter marries, and takes to his Lawfull Wife the Mother of the samyne Bairn? To which 'tis answered,*

Art 2, *Albeit the Bairn gottin and born, as said is, be the Common Civil Law of the Romans, and the Canon and Pontifical Law, is Lawfull; nevertheless, conform to the Law of the Realm, he may no ways be suffered or heard to claim any Heritage as Lawfull Heir.*

In the old Manuscript which I have perused and mentioned, the Case proposed hath Reference to *Maganus* and his Brother, who pretended to a Third-part of a Knight's Fee, as his Right; yet being a Bastard, born before the Matrimony made, was found to have none: The Matter being referred to the Bishop, (for the Decision of the Point of Bastardy regarded the Spiritual or Ecclesiastical Court) there arose a Difficulty, viz. *To know, whe-*

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\* This valuable Piece of Antiquity, belonging to Mr. John Corfs, Keeper of the Registers, was, in a very friendly and generous Manner, communicated by him to me, with several other curious Charters.

whether or not he that had espoused the Mother, the Children begotten before the Matrimony were Lawfull Airs, or not, fra that Matrimony was afterwards fulfilled? Answer to that, I say, after Law Canon and the Law of Rome, sic Lawfull Sonnis and Airs nevertheless, after the Law of the Land and the Custom of Kinryk, na way, as Air to the Heritage, he may succeed.

All what's above is express'd more lively by Skeen, in his Latin Edition of our *Regiam Majestatem*: For,

Lib. 2, Cap. 50, Art. 1: he tells us plainly, That *nullus Bastardus est Hæres legitimus, nec aliquis qui ex legitimo Matrimonio non est, potest esse Hæres*. And in his Annotations he adds, *Liberi naturales, sive Bastardi, non admittuntur ad Successionem Patris; sed tamen sunt alendi a legitimis Patribus vel Sororibus, secundum mensuram facultatum, & ad arbitrium boni viri*.

And Lib. 2, Cap. 51, which hath for Title, *Qui Filii sunt Legitimi*?

Art. 1, *Circa hoc orta est quaestio, Si quis, antequam Pater Matrem ejus desponsaverit, fuerit genitus & natus, utrum talis Filius sit Hæres legitimus, cum postea Pater ille Matrem ipsius desponsaverit?*

Art. 2, *Et quidem licet, secundum Canones & Leges Romanas, talis Filius sit Hæres legitimus*.

Art. 3, *Tamen secundum Jus & consuetudinem Regni, nullomodo in Hæreditatem, tanquam Hæres, sustineri potest, nec Hæreditatem petere*.

So that notwithstanding a Child begotten in Fornication, is legitimate by the subsequent Marriage, and admitted to succeed as Lawful Heir, by the Canon and Common Law, *quia Filii non debent sustinere jacturam, cum Parentes eorum publice, & sine contradictione Ecclesiæ inter se contraxisse noscantur*; yet according to our Custom and Law, he has no Right to his Father's Inheritance: *Tamen secundum Jus & consuetudinem Regni, nullomodo in Hæreditatem, tanquam Hæres, sustineri potest, nec Hæreditatem petere*.

This Part of our *Regiam Majestatem*, cited above, gives a true Light to the Controversy; for if King Robert had not married Elizabeth More, before 1339 or 1340, as Innes, Gray and Hearne firmly believe, not only his Children could not have been preferred



ferr'd to the lawful Issue of Queen *Eupheme* in the Succession, but they could not have had any just Right or Title to the Crown, or to their Father's Personal Estate, according to the Construction of our Laws; *Lib. 2, Cap. 50, Art. 1. & Lib. 2, Cap. 51. Art. 2 & 3.*

Nevertheless, *John* Earl of *Carrick* was owned publicly, and acknowledged unanimously by the Three Estates convened at *Scoon* \*, the 27th of *March*, 1371, for eldest lawful Son and undoubted Heir to King *Robert II.* as appears by an authentic Act, kept in the Lower House amongst the King's Records, whereof I shall give a full and faithful Copy, from the Original, in the *Appendix, Num. I.*

And accordingly in 1390, some few Months after his Father was summoned to pay his Great Debt to Nature, he was called to succeed, and confirmed King the 14th of *August*, under the Name of *Robert III.* (the Name of *John* being ominous) in Presence of the whole Peers and Barons of the Nation, who could not but have understood our ancient and established Laws: *Tradito igitur sepulture corpore gloriosissimi Roberti II. & Regno sub tutela Gubernatoris, Filii viz. sui secundo-geniti, commisso, in sequenti Vigilia Assumptionis nostre Domine, die viz. Dominica, Anno Domini 1390, Johannes Primogenitus Regis defuncti, Comes de Carrick, apud Sconam Regio more Coronatus est, ubi, de consensu Trium Statuum, vocatus est Rex Robertus Tertius. Codex Hayanus, Lib. 35, Capitulo Primo.*

Now, it is not consistent with Reason, that the States should have approved his Right to the Crown and to the Realm, if his Title had not been indisputable; that all Things should have past

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\* *Scoon* was of old a noble Abbey of Canons Regular of *St. Augustine*, brought from *St. Oswald* of *Nostell* in *England*. It was erected by King *Alexander I.* in 1114, and dedicate to the Holy Trinity and *St. Michael* the Archangel. It stands in *Gowrie*, on the North-side of *Tay*, a Mile above *Perth*, and was the Place where our Kings were accustomed to be crowned. Here was kept the *Fatal Stone*, till such Time as it was transported to *Westminster* by *Edward Langshanks*. The House and Church were demolished by the Townsmen of *Dundee* and *Perth*, or burnt to Ashes, in 1559, on *Monday* the 27th of *June*.



past with a great deal of Peace and Tranquillity at his glorious Coronation, if any Wrong or Prejudice had been done to the Earl of *Strathern*, whose Relations were both numerous and powerful: And if his Mother had been privately married in 1335 or 1336, and only regularly in 1337 or 1338, according to Mr. *Sage's* wild Conjectures, there should not have happened some hot Debate concerning the Succession, since there would have been a lawfull Ground for quarrelling the Earl of *Carrick's* Claim, as being *extra justas Nuptias procreatus ex Muliere*; which is the common Notion we have of a Bastard.

There being then no Suit of Law before the Spiritual Court or the Lord Chief Justice, upon the account of his Birth, which would have made a prodigious Noise, and come to the Ears and Knowledge of our Writers; *John* Earl of *Carrick* being declar'd eldest Son and righteous Heir of Blood to King *Robert*, at *Scoon*, in 1371, by a solemn Act and Instrument, to which Queen *Euphame*, and her Son *David* Earl of *Strathern*, appends their Seals. And after his Father was put in his Grave, being install'd and set on his Royal Throne, and Crowned without any Disorder or Disturbance, notwithstanding he was an unactive and weak Prince, and that the Weight of the Government remained upon his Brother *Robert* Earl of *Fife* and *Monteith*: I must be allowed to conclude, against *Innese*, *Gray*, *Hearne* and *Sage*, who have attempted to vindicate *Robert III.* from the Tache of Bastardy, That *Robert Stuart* was legally and canonically joined in Marriage with *Elizabeth More*, long before the Term they have condescended on, that is to say, in 1334; otherwise he could not have succeeded his Father in his Honours or Fortune; according to the 50 Chap. of our Authentic Laws, Art. 1. and 51 Chap. Art. 3. Lib. 2.

We have a plain Confirmation of this in the Royal Records of King *James II.* Fol. R. 69, Num. 118, Lib. 4; *George Creighton* of *Cairns*, Earl of *Cathness* and Admiral of *Scotland*, had a Natural Daughter by his Lady the Countess of *Cathness*, before they were married together: After their Marriage, the Natural Daughter was neither admitted to succeed to her Father

and Mother as Heir, in the Lands of *Barntoun*, altho' they were granted to the Lawfull Heirs whatsoever; nor was she naturalized *virtute supervenientis Matrimonii*, but constantly called *Filia Naturalis*, notwithstanding the subsequent Marriage, and was only provided to the Sum of 300 Merks, for her Portion and Subsistence; according to what is said before, *Filii Naturales non admittuntur ad Successionem Patris, sed tamen sunt alendi*. The Charter, proving clearly the constant Law and Custom of our Country, I shall set it down as it is found in the Registers.

*Carta Jacobi II. Regis, de Terris de Barntoun,  
Georgio Comiti de Cathness.*

**J**ACOBUS, Dei Gratiâ, Rex Scotorum; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem. Sciatis nos dedisse, concessisse, & hac præsentî Carta nostra confirmasse, dilecto Consanguineo nostro Georgio Comiti de Cathness, & dilectæ Consanguineæ nostræ Jonetæ Comitissæ de Cathness, Sponsæ suæ, omnes & singulas terras de Barntoun, cum pertinentiis, jacent. infra Vicecomitatum nostrum de Edinburgh. Quæ quidem terræ, cum pertinentiis, fuerunt dictorum Georgii & Jonetæ hereditarie, & quas terras de Barntoun, dicti Georgius & Joneta, non vi aut metu ducti --- in manus nostras, apud Civitatem Sancti Andree, personaliter, per fustem & baculum sursum reddiderunt ---. *Tenehd. & Habend.* dictas terras de Barntoun, cum pertinentiis, dictis Georgio & Jonetæ Sponsæ suæ, & eorundem alteri diutius viventi, & hæredibus inter ipsos legitime procreatis seu procreandis; quibus forte deficientibus, Jonetæ filiæ naturali dictorum Georgii & Jonetæ, & hæredibus suis, de nobis, hæredibus & successoribus nostris, in feodo & hæreditate in perpetuum, semper & quousque dictus Georgius Comes de Cathness, aut sui assignati Comites de Cathness, persolverit seu persolverint prædictæ Jonetæ filiæ suæ naturali, uno die, inter Solis ortum & ejusdem occasum, in Ecclesia parochiali B. *Egidii*, burgi nostri de Edinburgh, super sum-

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mo Altare ejusdem, summam trecentarum mercatum usualis monetae Regni nostri: Ita quod, facta solutione predictae summæ sibi Jonetæ, supradictæ terræ de Bantoun, cum pertinentiis, ab ipsa Jonetæ filia naturali dictorum Georgii & Jonetæ, predicto Georgio Comiti de Cathness, & suis assignatis Comitibus de Cathness, integre & libere revertantur, per omnes rectas metas suas antiquas & divisas --- & adeo libere & quiete, sicut dictus Georgius & Jonetæ, aut aliquis predecessorum suorum, prænominate terras, cum pertinentiis, de nobis aut predecessoribus nostris, ante-dictam resignationem nobis inde factam, liberius tenuerunt seu possiderunt, tenent seu possident. In cujus rei testimonium, præsentî Cartæ nostræ magnum Sigillum nostrum apponi præcepimus: testibus reverendo in Christo patre Jacobo Episcopo Sancti Andreae, consanguineo nostro carissimo; Willielmo domino Creichton, nostro Cancellario & consanguineo prædilecto; dilectis consanguineis nostris, Andrea domino le Gray, Magistro hospitii nostri; Johanne domino le Lyndesay de Byres; Magistro Jacobo Lyndesay, præposito Ecclesiæ collegiatæ de Lyncudan, nostri privati sigilli custode; Alexandro de Nairn, computorum nostrorum Rotulatore; & magistro Georgio de Schorriwood, Rectore de Cultyre, Clerico nostro. Apud Srivelyne, Duodecimo die mensis Januarii, Anno Domini 1453, & Regni nostri, Decimo-sexto.

It appears then, from those Principles which I have already laid down, that the Child procreate and begot before the Marriage lawfully accomplished, was excluded, by our Laws and Custom, from the Succession, and consequently, could not have been admitted to assume the unprofitable Title of *Righteous Heir*: Yet John Lord Kyle, afterwards Earl of Carrick, is constantly found in all Grants, under the Designation of *Eldest Son and Undoubted Heir* to the Steward, *Primogenitus & Hæres*, before his Father was call'd to direct and guide the Helm of the State; and after he had assumed the Government, he is named in all public Writings, *Eldest Son and Lineal Successor* to King Robert, *Earl of Carrick*, and *Steward of Scotland*. Those Names justify sufficiently

ciently that he was of a lawfull Issue, and that his Mother was regularly married to his Father, after the Dispensation had been brought from *Avignon*, in 1334; which Year agreeth exactly with the most faithful Account we can reasonably afford of his Age: For, King *David* being allowed to return to *Scotland* in 1351, to work his Delivery, from his long Restraint and Captivity Abroad, *John* Lord *Kyle*, eldest Son and Heir to the Steward of *Scotland*, was appointed to remain Pledge, if the Treaty had taken effect, till the first Payment of the Sum proposed for the King's Ransom, should be gathered and fully discharged; at which Time he behoved to be at least about 16 Years of Age: Moreover we are informed from our Histories, that he entered *Annandale*, at the Head of a strong Army, in 1355, regained the lost Places of Importance, wrought such Wonders by his Courage and Conduct, that he recovered in a few Weeks the whole Country from the *English*, whilst King *David* was confin'd and detained Prisoner at *Windfor*. All which, supposing him at least of 21 Years of Age, is a sensible and convincing Argument that his Mother was lawfully married in 1334, and that he himself was no Bastard: For *Buchanan*, speaking of that Expedition, P. 304, names him simply, *Johannes Stuartus, Proregis Filius*; and *Bowmaker*, *Joannes Stuart, Filius Guardiani, Dominus de Kyle*, & postea, *Comes de Carrick*, Lib. 31, Cap. 13 \*. Which Designations agree exactly with those mentioned in the following Characters.

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\* Notwithstanding that *Buchanan*, P. 315, calls *William Douglas* Lord *Nithsdale*, Son to *Archbald* Lord *Galloway*, *Filius Nothus*, And *Fordun's* Continuator, Lib. 34, Cap. 8, names the same *Filius Naturalis*. Which Epithets they would certainly have bestowed on the Lord *Kyle*, if they had really believed him to have been a Bastard.



*Confirmatio omnium Terrarum & Ecclesiarum  
de Passelet, ex Cartul. Passelet. P. 210, †.*

**O**Mnibus hanc Cartam visuris vel audituris, Robertus Senescallus Scotiæ, Salutem. Sciatis nos, ob reverentiam Domini nostri Jesu Christi, beatissimæ Virginis Mariæ, beati Jacobi Apostoli, Sancti Mirini ac omnium Sanctorum, & pro salute animæ nostræ, & animarum omnium Antecessorum & Successorum nostrorum, ratificasse, approbasse, & in perpetuum confirmasse, religiosi viri Abbati & Conventui Monasterii de Passeleto, ibidem Deo servientibus & in perpetuum servituris; in inviolabilem, puram & perpetuam elemosinam, omnes donationes, concessionem, confirmationes & infeodationes, quas Antecessores nostri eisdem religiosi viris caritative contulerunt. Et ut voluntatis nostræ lucidius illucescat intentio, ac brachii violentia secularis in persequendo, ac Cartas eorundem virorum religiosorum sinistro eventu exponendo, tempora non distinguendo, desistat & tabescat; prænominatis viris religiosi, in puram & perpetuam elemosinam, iterando concedimus & damus, viz. totales terras de Aldhouse, de Arcliftoun, de Insula Monachorum, inter Kart & Griff, de Fulton, de Drumgrane, de Gramys, de Auchingowin Monachorum; terram inter Aldpatrick & Espadare, sicut Aldpatrick descendit in Kart Lochwynnok, & Espadar descendit in terram Monachorum jacentem inter le Blacklyn & Kart de Passeleto; terram de Dalmoulyn, Kirklandholme, & terram de Monkton; unâ cum duabus celdris farinæ de tenemento de Ingliftoun, dimidiam marcâ argenti de Porterfield, juxta Renfrew; liberum servitium, wardam & relevium de Ingliftoun, tres marcas annui redditus de Adamroun; cum omnimodis

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† The Chartulâry of Paisley, extant in my Library, contains the several Deeds granted to that Monastery, from the first Foundation to Queen Mary's Time. 'Tis a large Folio, writ on Paper, in glorious Characters. My Lord Dundonald hath a Copy thereof in 4to, yet not so full and ample as mine, transcribed a little before the Reformation.



modis libertatibus, commoditatibus, aisiamentis & justis pertinentiis, tam non nominatis quam nominatis, tam sub terra quam supra terram, in omnibus & per omnia ad dictas terras, cum pertinentiis, spectantibus; & annuos redditus, infra viz. Baronias nostras de Renfrew & de Kyle, cum libertate libera Baroniarum, absque retinemento pacifice possidendos. Eosdem etiam viros religiosos, ex gratia nostrae ferventis abundantia, ab omnimodis servitiis secularibus, auxiliis, exercitiis, captionibus, impositionibus, sectis curiarum, exactionibus, consuetudinibus ac demandis quibuscunque eximimus, eruimus, liberamus. In cujus rei testimonium, Sigillum nostrum presentibus est appensum, apud Cluny, vicesimo die mensis Julii, Anno Domini 1361. Testibus Johanne Senescallo, domino de Kyle, primogenito nostro & haerede; Roberto Senescallo, domino de Fyfe, filio nostro dilecto; Johanne de Ross, Stephano de Ross, Willielmo de Lyndesay, Johanne de Balcasky, & multis aliis.

*Carta Roberti Comitis de Strathern, & Johannis domini de Kyle, facta Monachis de Passelet, P. 127, Cart. Passelet.*

**O**mnibus hanc Cartam visuris vel audituris, Robertus Senescallus Scotiarum, Comes de Strathern, & Johannes Senescallus, primogenitus & haeres ipsius, dominus Baroniarum de Kyle, salutem in Domino sempiternam. Cum dudum Reginaldus More, pater domini Willielmi More militis, concesserit, & pro se & haeredibus suis firmiter obligaverit, omnes terras suas subscriptas in baronia de Kyle & de Cowell, viz. terras de Sannacar, de Camlestrang, de Doulargis, de Cowdan, de Stasfour, & terram de Hormisdale, & quascunque alias terras suas aut possessiones infra dominium nostrum existentes, religiosis viris Abbati & Conventui Monasterii de Passeleto, ordinis Cluniacensis, Glasguensis Diocesis, fore applicandas, & perpetuis eorum usibus appropriandas; in casu quo ante primam solutionem

nem sibi faciendam cuiusdam annui redditus quadraginta marcarum, in quo dicebat idem Reginaldus dictos Abbatem & Conventum Magistro, Canonicis & Monialibus de Sympringham in Anglia, singulis annis obligat. si literas quietæ clamationis & perpetuæ securitatis, a prædictis Magistro, Canonicis & Monialibus de Sympringham non procuraret, ac eisdem Abbati & Conventui Monasterii de Passeleto deportaret & exhiberet; sic quod prædicti Abbas & Conventus de Passeleto, prædictarum literarum prætextu & virtute muniti, prædictis Magistro, Canonicis & monialibus de Sympringham, de prædicto annuo reddito, in toto vel in parte, non tenerentur in perpetuum ulterius respondere. Ac super hoc, prædictus Reginaldus, pro se & hæredibus suis, subjecerit dictas terras voluntati, ordinationi, & cognitioni Senescalli Scotiæ qui pro tempore fuerit, Patroni dicti monasterii de Passeleto, qui libere possit in favorem dictorum religiosorum virorum Abbatis & Conventus Monasterii de Passeleto, & ad requisitionem eorundem, sine aliqua difficultate, ipsis dare saisinam de terris & possessionibus supradictis, prout hæc & alia, in patentibus literis Reginaldi More, Sigillo suo, ac Sigillo nostro Roberti Senescalli Scotiæ supradicti, nec non Sigillo Officialis curiæ Glasguensis, plenius vidimus contineri. Nos vero Robertus Senescallus Scotiæ supradictus, & Johannes Senescallus Primogenitus ipsius, Dominus de Kyle, per Abbatem & Conventum Monasterii de Passeleto, cum instantia requisiti, quod cum dictus Reginaldus, & dominus Willielmus filius suus & hæres, prædictum annuum redditum per plures annos, a tempore dictæ obligationis & promissionis factarum, a dictis religiosiis viris percepit, ac ipsi, per captionem Nammorum & compulsionem terrarum suarum aliquando, maxime per dictum dominum Willielmum More coacti & compulsi, ipsum annuum redditum persolverunt, nulla litera quittance aut securitatis promissa, pro parte dicti Reginaldi, aut dicti domini Willielmi, juxta formam dictæ suæ obligationis, eisdem Abbati & Conventui Monasterii de Passeleto deportata, exhibita vel ostensa, procederemus ad dandam saisinam eisdem religiosiis viris, Abbati & Conventui Monasterii de Passeleto, de terris & possessionibus  
supra-

supradictis, juxta dictarum literarum continentiam atque formam: Volentes ad requisitionem eorundem, & virtute obligationis prædictæ, & submissionis in nos factæ, prædictis Abbati & Conventui Monasterii de Passeleto, super præmissis de remedio debito providere, ipsas terras, viz. de Sanakar & Camsestrang, de Doulargis, de Cowdan & de Staflour, terram de Hormisdale, in manibus nostris; ex unanimi nostro consensu, propter hoc prius saisitas, ad tempus & ex causa; Deo, beatæ Mariæ, Sancto Jacobo, Sancto Mirino, & religiosis viris, Abbati & Conventui Monasterii de Passeleto, ibidem Deo servientibus & in perpetuum servituris; damus, concedimus, & hac præsentī Carta nostrā confirmamus: *Tenend. & Habend.* eisdem religiosis viris & eorum Successoribus, de nobis & hæredibus nostris, in puram & perpetuam elemosinam, adeo libere, quiete, pacifice & honorifice, per omnes rectas metas suas antiquas; & divisas in boscis, planis, pratis, pascuis & pasturis, viis, semitis, moris, marresis, aquis, stagnis, molendinis, multuris, & eorum sequelis, piscationibus, aucupationibus & venationibus; & cum omnibus aliis libertatibus, commoditatibus, ayssiamentis, & iustis pertinentiis ad prædictas terras, & earum quamlibet spectantibus, seu iuste spectare valentibus in futurum, sicut dicti religiosi viri aliquam terram elemosinatam, de nobis vel prædecessoribus nostris liberius possident, sive tenent, tenuerunt vel possiderunt. Et in casu quo dictus Willielmus More, vel aliquis hæredum suorum possit docere aut docuerit per aliquas evidencias quas exhibere vel ostendere poterit, pro parte Magistrī, Canonīcorum & Monialium de Sympringhame, quod jus & proprietas percipiendi dictam pensionem quadraginta marcarum annuatim, in dictum quondam Reginaldum & hæredes suos, vel in dictum dominum Willielmum vel suos hæredes, sint titulo --- vel aliis quomodolibet, per dictos Magistrum, Canonicos & Moniales, in perpetuum & omnino, vel ad tempus quod nondum transivit, translata, volumus, & pro nobis & hæredibus nostris in perpetuum concedimus, ac, virtute supradictæ submissionis in nos factæ, declaramus, & pro declarato haberi volumus, Quod ipsa pensio quadraginta marcarum sit in ipsos, per dictos Magistrum,

gistrum, Canonicos & Moniales, translata, censeatur, & computari debeat & censei inter alias possessiones ipsorum quondam Reginaldi & domini Willielmi, & hæredum suorum, nostris ordinationi & dispositioni submissas, & ipsis religiosis Abbati & Conventui perpetuo applicandas, ut supra: ipsamque pensionem, ipsius submisionis prætextu, eisdem, cum aliis supradictis terris & possessionibus, in perpetuum applicamus; sic quod nec dicto domino Willielmo, vel hæredibus suis, aut ipsis Magistro, Canonicis & Monialibus de Sympringhame, in hoc casu teneantur, aliquibus futuris temporibus aliquid responderi. In cujus rei testimonium, præsentis Cartæ nostræ Sigilla nostra sunt appensa. Hiis testibus, Venerabili patre, domino Roberto Abbate de Kilwynnin; Domino Hugone de Eglintoun, domino ejusdem; Domino Alexandro Senescallo, domino Cruyton; Domino Johanne de Daniellston, domino ejusdem; Domino Ada de Fowlarton, domino de Corsby, militibus; Thoma Symple, domino de Eyllistoun; Johanne de Maxwell, domino de Pollock; Cosmo de Cowran, & multis aliis.

*hodie, Robertus*

*Carta Roberti II. Archibaldo de Douglas, ex Autographo.*

**R**OBERTUS, Dei Gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus ad quos præsentis litteræ pervenerint, Sa-  
lutem. Noveritis quod nos, considerantes labores multi-  
plices quibus Archibaldus de Douglas miles, dilectus consan-  
guineus noster, pro recolendæ memoriæ domino avunculo & præ-  
decessore nostro, & pro Regni communibus negotiis, tam in  
partibus quam alibi, laudabiliter insudavit: Quodque idem Ar-  
chibaldus, ex nostra & nostri deliberatione Concilii, oneratus  
est, cum aliis suis collegis, nunc ut alias, pro tractatu habend-  
do cum Rege & Regni Franciæ prælati & nobilibus, super ne-  
gotiis Concilii, viz. jam tractandis. Concedimus eidem Archi-  
baldo, in casu quo Johannam de Moravia, uxorem suam conti-  
gerit, absque hærede de corporibus eorundem procreato super-

D

stite



stite & permanente, ab hac luce migrare, ex nunc & ex tunc, omne jus & clameum nostræ Majestati Regiæ competentia, in quibuscunque terris, redditibus, officiis, wardis, releviis & maritagiiis, eschaetis sive forisfacturis, ac aliis quibuscunque quæ ad nos vel hæredes nostros pertinent, vel pertinere poterunt, post mortem dictæ Johannæ sic defunctæ; & ut præsens nostra concessio, in quacunque sui particula, ab aliqua persona in posterum non possit revocari in dubium, eandem sic volumus declarari, quod nostra extat intentio pro nobis & nostris hæredibus, ac expressa voluntas, quod dictus Archibaldus de Douglas miles, consanguineus noster, & hæredes sui, teneant, habeant & plene possideant de nobis & hæredibus nostris, prænotato casu contingente (quod absit) omnem eschaetam, nos vel hæredes nostros contingentem, de omnibus & singulis terris, redditibus & officiis prænotatis, ac etiam reversiones terrarum, reddituum, officiorum, concess. ad tempus seu ad infeodationem talliatam, vel alias quovismodo. *Tenend. & Habend.* eidem Archibaldo & hæredibus suis, de nobis & hæredibus nostris, adeo libere, quiete, plenarie, integre & honorifice, sicut antecessores supradictæ Johannæ, prædictas terras, redditus & officia, liberius ullo unquam tempore tenuerunt seu possiderunt; una cum reversione terrarum & officiorum contingentium forsitan, sicut supra. Quousque hæredes sui, jus sibi vendicantes in eisdem, de nobis & hæredibus nostris, de jure & consuetudine Regni nostri, adepti fuerint legitime de dictis terris, redditibus & officiis, statum hæreditarium & Saisinam. Quodque idem Archibaldus & hæredes sui similiter teneant & habeant, libere, quiete, & plene possideant in feodo & hæreditate, in perpetuum, de nobis & hæredibus nostris, omnes & singulas terras, redditus & officia memorata; si & quandocunque, ac eo ipso quo ipsæ terræ, redditus & officia, forsitan ad nos vel hæredes nostros pervenerint ratione forisfacturæ, in toto vel in parte hæredum, seu jus sibi vendicantium in eisdem, de jure & consuetudine Regni nostri. *Faciendo* inde idem Archibaldus & hæredes sui, nobis & hæredibus nostris, servitia debita & consueta. Insuper etiam, quod idem Archibaldus, hæredes & assignati sui habeant, teneant



ant & possideant wardas, relevia & maritagia quorumcunque hæredum præfatæ Johannæ, ut præmittitur, defunctæ, (quod abfit) & eisdem plene gaudeant, secundum jura & consuetudines Regni nostri, de omnibus & singulis terris, redditibus & officiis, de nobis tentis in capite, per totum Regnum nostrum, si cum & prout contigerit, legitime in futurum. In cujus rei testimonium, præsentibus Sigillum nostrum præcepimus apponi, apud Sconam, ultimo die mensis Martii, Anno Domini 1371, & Regni nostri primo. Testibus venerabilibus in Christo patribus, Williemo & Waltero, Sancti Andreæ & Glasguen. Ecclesiarum; Dei gratia, Episcopis; Johanne primogenito nostro, Comitæ de Carrick, Senescallo Scotiæ; Roberto Comite de Meneth, Alexandro Senescallo, filiis nostris carissimis; Willielmo Comite de Douglas; Johanne de Carrick, Canonico Glasguen. Cancellario nostro; Alexandro de Lyndesay & Roberto de Erskyne, militibus, consanguineis nostris.

[No Tague nor Seal]

*Carta Roberti II. Johanni Kennedy, de Baronia de Dalrympill, Fol. R. 57 of King David's Book.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Salutem. Sciatis nos dedisse, concessisse, & hac præsentī Carta nostra confirmasse dilecto & fideli nostro Johanni Kennedy, medietatem Baronie de Dalrympill, cum pertinentiis, infra Vicecomitatum nostrum de Are; quæ quidem medietas fuit Malcolmi, filii Gilchristi, filii Adæ de Dalrympill; & quam idem Malcolmus, non vi aut metu ductus, nec errore lapsus, sed mera & spontanea voluntate sua, nobis sursum reddidit & resignavit. *Tenend. & Habend.* eidem Johanni & hæredibus suis, de nobis & hæredibus nostris, in feodo & hæreditate, per omnes rectas metas & divisas suas; um omnibus & singulis libertatibus, commoditatibus, ayli-  
mentis

mentis & iustis pertinentiis suis quibuscunque, ad dictam medietatem Baronie predictae spectantibus, seu quocumque iuste spectare valentibus in futurum; adeo libere & quiete, plenarie, integre & honorifice, in omnibus & per omnia, sicut dictus Malcolmus, vel aliquis antecessorum suorum, dictam medietatem Baronie predictae, cum pertinentiis, aliquo tempore liberius, quietius & honorificentius iuste tenuit seu possedit: Faciendo inde servitia debita & consueta. In cuius rei testimonium, praesenti Cartae Sigillum nostrum praecipimus apponi: Testibus venerabilibus in Christo patribus, Willielmo, Waltero & Patrio, Sancti Andree, Glasguen. & Brechinen. Ecclesiarum Episcopis; Johanne primogenito nostro, Comite de Carrick, Senescallo Scotiae; Thoma Comite de Mar; Willielmo Comite de Douglass, consanguineis nostris; Roberto Comite de Meneteth, dilecto filio nostro; Archibaldo de Douglas, Alexandro de Lyndesay, Roberto de Erskyne, consanguineis nostris; & Johanne de Carrick, Canonico Glasguensi, Cancellario nostro. Apud Sconam, penultimo die mensis Maii. Anno Regni nostri primo.

*Carta 105, Rotul. 3. Roberti II. Johanni Kennedy, de terris de Dalrympill.*

**R**OBERTUS, Dei gratia, Rex Scotorum; Omnibus pro-  
bis hominibus totius terrae suae, clericis & laicis, Salu-  
tem. Sciatis nos dedisse, concessisse, & hac praesenti  
Carta nostra confirmasse dilecto & fideli nostro Johanni Kennedy,  
medietatem Baroniae de Dalrympill, cum pertinentiis, infra Vi-  
cecomitatum de Are, quae fuit Hugonis, filii Rollandi de Dal-  
rympill; & quam idem Hugo, non vi aut metu ductus, nec  
errore lapsus --- nobis per fustem & baculum sursum reddidit,  
pureque & simpliciter resignavit in perpetuum. Tenend. & Ha-  
bend. dicto Johanni & haeredibus suis, de nobis & haeredibus  
nostris, in feodo & haereditate, per omnes rectas metas & di-  
vilas suas; cum omnibus & singulis libertatibus, commod. ---  
adeo

adeo libere & quiete --- sicut dictus Hugo, vel aliquis antecessorum suorum, ipsam medietatem Baroniae praedictae, cum pertinentiis, de nobis, ante resignationem suam nobis exinde factam, liberius, quietius, plenius & honorificentius, iuste tenuit seu possedit. *Faciendo* nobis & haeredibus nostris, ipse Johannes & haeredes sui, servitia de praedicta medietate Baroniae praedictae, cum pertinentiis, debita & consueta. In cuius rei testimonium, praesenti Cartae nostrae, nostrum praecepimus apponi Sigillum. Testibus, Venerabili in Christo patre, Willielmo Episcopo Sancti Andreae; Johanne primogenito nostro de Carrick, Senescallo Scotiae; Roberto de Fyfe & de Meneteth, filio nostro dilecto; Willielmo de Douglas & de Mar, Comitibus; Venerabili viro, magistro Johanne de Peebles, Archidiacono Sancti Andreae, Cancellario nostro; Jacobo de Lyndesay, nepote nostro, & Alexandro de Lyndesay, militibus. Apud Stryvelyn, tertio die Decembris, Anno Regni nostro septimo.

*Carta 4. Roberti II. Rotul. 5. Alexandro Senescallo de Stracholvyn.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus totius terrae suae, Salutem. Sciatis nos dedisse, concessisse, & hac praesenti Carta nostra confirmasse dilecto filio nostro, Alexandro Senescallo militi; quod post decessum nostrum habeat totum jus & proprietatem, quod & quam habemus in terris de Stracholvyn, cum pertinentiis, infra Vicecomitatum de Bamf, nos contingens & contingentem, tam causâ relevii quam aliter quoquomodo. *Tenend. & Habend.* dicto Alexandro, & haeredibus suis de corpore suo legitime procreandis, in feodo & haereditate --- Cum omnibus & singulis libertatibus, commod. ayfiamenis & iustis pertinentiis quibuscunque, ad dictum jus & proprietatem spectantibus, seu quoquomodo spectare valentibus in futurum; libere, quiete, plenarie & integre, bene & in pace --- In cuius rei testimonium, praesenti Cartae nostrae Sigillum nostrum apponi fecimus. Te-  
E
stibus,

ribus, Venerabilibus in Christo patribus, Willielmo & Patri-  
cio, Sancti Andreae & Brechinen. Ecclesiarum Episcopis; Jo-  
hanne primogenito nostro, Comite de Carrick & Senescallo Sco-  
tiae; Thoma Comite de Mar, Willielmo Comite de Douglas,  
consanguineis nostris; Roberto Comite de Meneterth, filio no-  
stro; Johanne de Carrick, Canonico Glasgwen. Cancellario no-  
stro; Alexandro de Lyndesay, Roberto de Erskyne, militibus,  
consanguineis nostris. Apud Edinburgh, decimo-septimo die  
Mensis Junii, Anno Regni nostri primo.

*Confirmatio donationis Willielmi Comitis de  
Rosse, facta Paulo Mactayre, de terra de  
Gerloch. Ex Autographo.*

**R**OBERTUS, Dei Gratia, Rex Scotorum; Omnibus pro-  
bis hominibus totius terrae suae, Salutem. Sciatis nos  
Cartam bonae memoriae Willielmi Comitis de Rosse, Do-  
mini de Sky, de mandato nostro vitam, letam & diligenter in-  
spectam, non abolitam, non cancellatam, nec in aliqua sui par-  
te suspectam, intellexisse ad plenum in haec verba: Omnibus  
hanc Cartam visuris vel auditoris; Willielmus Comes de Rosse,  
Dominus de Sky, Salutem in Domino. Noveritis nos dedisse,  
concessisse, & hac praesenti Carta mea confirmasse dilecto & fi-  
deli nostro Paulo Mactayre, pro fidei servitio suo nobis multi-  
pliciter impenso, totam terram nostram de Gerloch, cum perti-  
nentiis, infra partes Ergadiac, in feodo & haereditate. Perpe-  
tuo Tenend. & Habend. de nobis & haeredibus nostris, praeno-  
minato Paulo Mactayre suisque haeredibus, inter ipsum & di-  
lectam nostram Mariam de Grahame, procreatis seu procrean-  
dis: quibus deficientibus (quod absit) praedictam terram de  
Gerloch legitimis haeredibus praedicti Pauli volumus perman-  
ere; viz. in moris & marcessis, aquis, stagnis, pratis, pascuis  
atque venariis, viis, semitis, boscis, planis, venationibus, au-  
cupationibus, piscariis, molendinis & bruciis, ac omnibus a-  
liis



illis commoditat, libereat, & aysiamenis ad dictam terram spectantibus, ex nunc sen quovismodo alio, sive jure aut titulo spectare valentibus in futurum; adeo libere, quiete, plenarie, pacifice & honorifice, bene & in pace, sicut aliqua terra infra dominium nostrum plenius detinetur vel possidetur. *Reddendo* inde nobis & heredibus nostris, prefatus Paulus Mactayre & heredes sui, ut premititur, unum denarium argenti, nomine *Abassina*, annuatim, pro omni alio onere, exactione seculari seu demanda, ad Festum Pentecostes, si petatur: Excepto servitio forensico Domini nostri Regis, quantum ad dictam terram spectat, cum Regia voluntas supervenerit. Quam quidem Donationem nostram, in omnibus suis punctis & articulis, ut prefertur, contra omnes homines & faminas warrantizabimus, acquitabimus, & in perpetuum defendemus. Scriptum sub Sigillo nostro, apud Delgheny, quinto die mensis Aprilis, Anno Domini, 1366. Hiis testibus, Venerabili in Christo patre, Domino Domino Alexandro, Dei gratia, Episcopo Rossensi; Hugone de Rosse, fratre nostro; Henrico Senescallo, Johanne de Carate, Eymundo de Wyntona, cum multis aliis. Quam quidem Cartam, in omnibus punctis, conditionibus, articulis & circumstantiis suis quibuscunque, in omnibus & per omnia, forma pariter & effectu, ratificamus, approbamus, & pro nobis & heredibus nostris in perpetuum confirmamus. In cujus rei testimonium, presenti Carte Confirmationis nostre, nostrum precepimus apponi Sigillum. Testibus venerabilibus patribus, Wilhelmo & Particio, Sancti Andree & Brechinen, Dei gratia, Ecclesiarum Episcopis; primogenito nostro Johanne Comite de Carrick, Senescallo Scotie; Roberto Comite de Fyfe & de Meneteth, filio nostro dilecto; Willielmo Comite de Douglas; Georgio de Dumbar, Comite Marchie; Johanne de Carrick, Canonico Glasgwen. Cancellario nostro; Hugone de Eglintone & Roberto de Erskyne, militibus. Apud Edinburgh, octavo die mensis Maii, Anno Regni nostri secundo.

[No Tague nor Seal]

Com-

*Compositio annui redditus, facta inter Abbatem  
de Passelet & Willielmum More, Militem,  
1373. Ex Cartul. Passeletensi, P. 123.*

**U**niversis ad quorum notitiam presentes litteræ pervenerint :  
Johannes Regis Scotiæ primogenitus, Comes de Carrick  
& Senescallus Scotiæ ; Willielmus Comes de Douglas,  
Hugo de Eglintone, Alanus Senescallus, Milites ; Johannes de  
Carrick, Canonicus Glasguen. Cancellarius Scotiæ ; magister  
Gulielmus de Dalgarnock, Canonicus de Dunkelden ; Adam  
Forester. Aldermannus de Edinburgh, & Alanus de Lawedre :  
Salutem in Domino sempiternam. Cum nuper, super questione  
seu controversia mota inter dominum Willielmum More, mili-  
tem, nomine, & ex parte Magistri & Monialium domus de Sym-  
pringhame, ex parte una ; & religiosos viros Abbatem & Con-  
ventum Monasterii de Passelet, ordinis Cluniacensis, ex altera,  
super petitione annuæ pensionis quadraginta marcarum Sterlin-  
gorum, præfato domino Willielmo More, nomine ; quo supra  
debitæ, ut asserunt, per præfatos Abbatem & Conventum de  
Passelet ; post nonnullas lites, controversias & altercationes,  
tam in Romana curia quam in his partibus, hinc inde agitata  
& habitas, compromissum fuisset finaliter in nos, tanquam in  
compositores amicales per partes prædictas. Nos, attentis &  
consideratis laboribus, expensis & damnis, quas & quæ hæc-  
tenus utraque prædictarum partium fecit & sustinuit, occasione li-  
tis siue controversiæ prædictæ ; & quas & quæ ipsarum quam-  
libet oportebit sustinere & facere, si lis super hoc continuata fu-  
erit ulterius inter partes ; onus compromissi hujusmodi in nos,  
ad instantiam earundem partium, assumentes, recepta ab utra-  
que parte prius juratoria cautione, quod earum quælibet stabit  
ordinationi, definitioni, & determinationi nostræ in hac parte,  
quodque ipsas ordinationem, definitionem & determinationem,  
ratas & firmas habebit perpetuo. Visis, lectis & diligenter ex-  
aminatis litteris, evidentiis & instrumentis, per utramque par-  
tem

tem coram nobis exhibitis & productis; ac auditis rationibus hinc inde, tam verbo quam scripto propositis: Deindeque, inter nos sollicito & diligenti tractatu, sive deliberatione præhabita, in ipso compromissi negotio, juxta formam nobis traditam procedentes; ordinavimus, definivimus & pronunciamus, Quod lis sive controversia prædicta, omnino quiescat, ac sopita sit & extincta penitus, sub modis, forma & conditionibus infra scriptis. Et primo, Quod terræ de Sanchare, infra Vicecomitatum de Are, quæ fuerunt dicti domini Willielmi More, ad manus nostras saisitæ, & ad proprios usus dictorum Religiosorum applicatæ, prætextu & virtute cujusdam obligatorii, Sigillo quondam Reginaldi More, patris ejusdem domini Willielmi More, sigillati, & coram nobis, inter alia, ibidem exhibiti, ac postmodum nobis Johanni Comiti de Carrick prædicto, de consensu domini patris nostri, Regis Scotiæ, tunc Senescalli Scotiæ, donatæ & concessæ, per Cartam eorundem religiosorum virorum, & in manu nostra per dies & annos existentes, reddantur & restituantur prædicto domino Willielmo More. *Tenendas, Habendas, & Possidendas* sibi & hæredibus suis, adeo libere, sicut ante applicationem, donationem & concessionem de ipsis sibi factas, ipsas terras liberius juste tenuit seu possedit; quodque per nos Comitem prædictum, & autoritate nostra, in possessionem seu saisinam earundem mittatur, ac mitti debeat, sicut prius. *Item*, Quod dictus dominus Willielmus More, ante primam solutionem sibi faciendam de summa pecuniæ subscripta, omnes litteras, cartas & evidencias, ac instrumenta tam publica quam privata, per quas & quæ ipsam annuam pensionem quadraginta marcarum, nomine quo supra, petiit, seu petere aut habere nitebatur, seu debuit, sursum reddat; ac ipsis & eorum singulis, ac omni juri sibi & hæredibus suis, aut dictis Magistro & Monialibus, in ipsa annua pensione quadraginta marcarum competenti seu debita, seu quod sibi aut eis competere potest aut poterit in futurum, eidem Abbati & Conventui de Passeleto omnino renunciaret pro se & hæredibus suis, ac pro Magistro & Monialibus supradictis. *Item*, Ordinatum fuit & definitum, ac pronunciatum per nos compositores amicales

prædictos, Quod præfatus Dominus Willielmus More, ad reddendum præfatos religiosos viros perpetuo indemnes, a petitione Magistri & Monialium domus de Sympringhame, quo ad annuam pensionem prædictam, ipsos religiosos Abbatem & Conventum de Passelet habere faciet omnes litteras, evidencias & instrumenta, quæ in hac parte necessaria fuerint ad enervationem & annullationem juris, & petitionis prædictorum Magistri & Monialium in hac parte. Item, Ordinatum fuit & definitum, ac pronunciatum per hos compositores amicabiles prædictos, Quod præfati Religiosi, Abbas & Conventus de Passelet, ad redimendum labores & vexationes ipsorum, & etiam jus quod asseruit dominus Willielmus More se habuisse ad dictam annuam pensionem quadraginta marcarum prædictarum, solvant eidem domino Willielmo More, hæc edibus vel assignatis suis, apud Monasterium de Passelet, trecentas marcas Sterlingorum, ad terminos infra scriptos; viz. Centum marcas Sterlingorum, ad Festum Pentecostes proxime futurum; Centum marcas Sterlingorum, ad Festum Sancti Martini immediate sequens; & Centum marcas Sterlingorum, ad Festum Pentecostes Anno Domini 1374. Item, Ordinatum fuit, & definitum ac pronunciatum, Quod si aliqua litteræ, instrumenta vel Cartæ, aut aliqua alia evidentiæ quæcunque, penes aliquam partium prædictarum, aut penes Magistrum & Moniales supra-dictos, aut alios quoscunque, reperta seu reperta fuerint, de cætero continentes seu continentia præfatam annuam pensionem quadraginta marcarum, apud aliquam partium prædictarum; ipsæ litteræ, Cartæ, instrumenta seu evidentiæ, sint perpetuo cassæ, nullæ & irritæ, cassæ, nullæ & irritæ, nullamque obtineant perpetuo roboris firmitatem. Et in præmissorum omnium testimonium, & ad perpetuam memoriam futurorum; nos præfati compositores amicabiles, præfati scripto siue instrumento, nostra fecimus apponi sigilla. Et nihilominus præfati Abbas & Conventus, ac præfatus dominus Willielmus More, in signum & testimonium utriusque partis consensus, sigilla sua apposuerunt etiam juxta nostra. Acta fuerunt hæc in Ecclesia Sancti Egidii de Edinburg, in Capella Sanctæ Katherinæ Virginis; vicésimo-quarto mensis Aprilis, Anno Domini 1373.

CARTA



*Carta 2. Rotul. 7. Roberti II. Willielmo de Douglas. de 40 Libris Sterlingorum.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus totius terrae suae, Clericis & Laicis, Salutem. Sciatis nos dedisse, concessisse, & hac praesenti Carta nostra confirmasse dilecto consanguineo nostro \* Willielmo de Douglas, militi, filio domini Archibaldi de Douglas, militis, Domini Galwidæ, consanguinei nostri, pro suo servitio nobis impenso & impendendo, quadraginta libras Sterlingorum annuatim percipiend. per manus Camerarii nostri qui pro tempore fuerit, de magna Cutiluma nostra Burgorum nostrorum Scotiae, ex australi parte aquæ de Forth, ad duos anni terminos, videlicet, Pentecostes & Sancti Martini in hyeme, per æquales portiones, apud Edinburgh. *Tenend & Habend.* eidem Willielmo & hæredibus suis, de nobis & hæredibus nostris, in feodo & hæreditate, quousque nos aut hæredes nostri, sibi vel hæredibus suis praedictis, de uberiori remuneratione fecerimus, vel fecerint provide-ri. In cujus rei et monium, praesenti Cartae nostrae, nostrum praecepimus apponi Sigillum. Testibus venerabilibus in Christi-  
sto patribus, Willielmo, & Johanne Cancellario nostro, Sancti Andreae & Dunkelden. Ecclesiarum Episcopis; Johanne primogenito nostro, de Carrick, Senescallo Scotiae; Roberto de Fyfe & de Meneteth, filio nostro dilecto; Willielmo de Douglas, consanguineo nostro, Comitibus; Archibaldo de Douglas & Roberto de Erskyne, consanguineis nostris, militibus. Apud Glas-gw, tempore Concilii nostri terti ibidem, vicesimo-primo die Septembris. Anno Regni nostri quarto. *Carta*

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\* William Douglas, mentioned in this Charter, was eldest lawful Son to Archibald Lord Galloway. He espoused Giles Stuart, Daughter to Robert II. and by that means became Lord Nithsdale. He left one only Daughter, Giles, called *The Fair Maid of Nithsdale*, who convey'd that Lordship to her Husband Henry Saintclair of Rossin, Earl of Orkney: Whose Son, William Earl of Orkney, gave over his Office of Warden of the Wester Marches, with that Lordship, and the Office of Chamberlain and Sheriff of Dumfries, to James II. for the Earldom of Cathness, 1455.

*Carta 73, Rotul. 4, Roberti II. Jacobo de  
Douglas de Dalketh, de Baroniis de Kinca-  
wyll, Calderecuer, &c.*

**R**OBERTUS, Dei Gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terrae suae, Clericis & Laicis, Sa-  
lutem. Sciatis nos dedisse, concessisse, & hac praesenti  
Carta nostra confirmasse Jacobo de Douglas de Dalkeith, militi,  
consanguineo nostro dilecto, totam Baroniam de Kincauwyl &  
de Calderecuere, in Constabularia de Lynlithgow, infra Viceco-  
mitatum de Edinburgh; totam Baroniam de Preston, infra Vi-  
cecomitatum de Dumfries; totam Baroniam de Kylbochok & de  
Newlandys, & totam Baroniam de Kylmourocheryk, infra Vice-  
comitatum de Peebles. Quae quidem Baroniae, cum pertinenti-  
is, prius fuerunt dicti Jacobi; & quas Baronias, cum perti-  
nentiis, idem Jacobus, non vi aut metu ductus, nec errore lap-  
sus, sed mera & spontanea voluntate sua, nobis per fustem & ba-  
culum sursum reddidit, pureque & simpliciter resignavit; ac to-  
tum jus & clameum quae in dictis Baronis, cum pertinentiis, ha-  
buit seu habere potuit, pro se & haeredibus suis, omnino quietum  
clamavit in perpetuum. *Tenend & Habend.* eidem Jacobo, & Ja-  
cobo de Douglas filio suo, ex sua uxore legitima, Agnete *viz.*  
de Dumbar, sorore Comitis Marchiae, suscepto, & haeredibus  
ipsius Jacobi filii masculis, de corpore suo legitime procreandis,  
in feodo & hoereditate; per omnes rectas metas & divisas suas,  
in liberas Baronias, in boscis & planis, moris, marresis, pratis,  
pascuis & pasturis, viis, semitis --- nativis, & eorum sequelis;  
cum tenandiis, servitiis libere tenentium; cum curiis, curiarum  
exitibus & eschaetis; cum furca & fossa --- & cum omnibus a-  
liis & singulis libertat. commod. & ayfiametis, & iustis perti-  
nentiis quibuscunque, ad dictas Baronias spectantibus, seu quo-  
quomodo iuste spectare valentibus in futurum; adeo libere &  
quiete, plene, integre & honorifice, in omnibus & per omnia,  
sicut dictus Jacobus de Douglas de Dalketh, pater, dictas Ba-  
ronias

ronias, cum pertinentiis, ante resignationem hujusmodi nobis  
factam, liberius, quietius, jure tenuit seu possedit. Et si con-  
tingat quod dictus Jacobus de Douglas filius, absque hærede  
masculo, de corpore suo legitime procreando, ab hac luce mi-  
grare contingat; donamus, concedimus, & hac præsentī Cartā  
nostra confirmamus eidem Jacobo Patri easdem Baronias, cum  
omnibus pertinentiis supra-dictis. *Tenend. & Habend.* sibi & hæ-  
redibus suis masculis, ex eadem uxore sua vel alia quacunque  
legitime procreandis; quibus hæredibus masculis, sic procre-  
andis, deficientibus, Willielmo de Douglas, militi, fratri ipsi-  
us Jacobi de Douglas, patris, & hæredibus suis masculis, de  
corpore suo legitime procreatis seu procreandis; & ipsis defi-  
cientibus, Henrico de Douglas, militi, fratri ipsorum Jacobi &  
Willielmi, & hæredibus suis masculis, de corpore suo legitime  
procreatis seu procreandis; & ipsis hæredibus masculis præfati  
Henrici deficientibus, Thomæ de Douglas, fratri eorundem Ja-  
cobi patris, Willielmi & Henrici, & hæredibus ipsius masculis, de  
corpore suo legitime procreandis: Quibus omnibus deficienti-  
bus, hæredibus veris & legitimis præfati Jacobi de Douglas de  
Dalketh, patris, quibuslibet, de nobis & hæredibus nostris, in  
feodo & hæreditate, adeo libere, in omnibus & per omnia, sicut  
de personis dictorum Jacobi de Douglas, patris, & Jacobi filii  
sui, superius est expressum. *Faciendo* nobis & hæredibus nostris,  
præfatus Jacobus, & singuli hæredum suorum & aliorum præ-  
dictorum, servitia de dictis Baronis, cum pertinentiis, debita  
& consueta. In cujus rei testimonium, præsentī Cartæ nostræ,  
nostrum præcepimus apponi Sigillum. Testibus, venerabili in  
Christo patre, Willielmo Episcopo Sancti Andreae; Johanne pri-  
mogenito nostro, Comite de Carrick, Senescallo Scotiæ; Rober-  
to Comite de Fyfe & de Meneteth, filio nostro dilecto; Willielmo  
Comite de Douglas; Johanne de Carrick, Cancellario nostro; Ja-  
cobo de Lyndesay, nepote nostro; Archibaldo de Douglas, Hu-  
gone de Eglinton & Roberto de Erskyne, militibus. Apud Perth,  
secundo die mensis Januarii. Anno Regni nostri quarto.

*Carta Roberti II. Johanni Beton \*, de terris  
de Balfoure. Ex Autographo.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus totius Regni sui, Clericis & Laicis, Salutem. Sciatis nos approbasse, ratificasse & confirmasse donationem & concessionem illas, quas dilectus & fidelis noster Duncanus Comes de Fyfe, dedit & concessit Johanni Beton, de totis & integris terris de Balfoure, & de Newton, & de Catile, in Vicecomitatu de Fyfe jacentibus. *Tenend. & Habend.* totas & integras terras praedictas, cum pertinentiis, praedicto Johanni, haeredibus suis, & suis assignatis, de Comite de Fyfe, in feodo & haereditate, in perpetuum, per omnes rectas metas suas antiquas & divisas; cum omnibus & singulis commod. libertat. & ayssiamentis, ac justis pertinentiis quibuscunque, ad praedictas terras, cum pertinentiis, spectantibus, seu iuste spectare valentibus quomodolibet in futurum; adeo libere & quiete, plenarie, integre & honorifice, bene & in pace; in omnibus & per omnia, sicut in Cartis dicti Duncani, dicto Johanni Beton, inde confectis, plenius continetur. Salvo nobis & haeredibus nostris, servitio inde debito & consueto. In cujus rei testimonium, praesenti Cartae nostrae Sigillum nostrum apponi fecimus. Testibus, venerabili in Christo patre, Willielmo Episcopo Sancti Andreae; Johanne Comite de Carrick, Senescallo Scotiae, primogenito nostro; Roberto Comite de Fyfe & de Meneteth, filio nostro; Willielmo Comite de Douglas, consanguineo nostro dilecto; Johanne de Pebles, Archidiacono Sancti Andreae, Cancellario nostro, & Roberto de Erskyne, militibus; Johanne de Quhitnefs, Praeposito de Edinburgh. Apud Edinburgh, decimo-octavo die mensis Maii. Anno Regni nostri septimo.

[The Tague, Parchment. No Seal]

*Instru-*

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\* This Family of Beton hath given us several Chancellors and Archbishops at Home, and Ambassadors Abroad. Whereof more elsewhere.



*Instrumentum de visitatione Monasterii de Passelet. per Walterum Episcopum Glasguen. P. 192 Cartul. Passelet.*

**I**N Dei nomine. Amen. Per hoc præsens publicum Instrumentum cunctis appareat evidenter, Quod Anno Gratiae 1384, Indictione septima, mensis Junii die secundo; Pontificatus S. S. in Christo Patris & Domini nostri, Domini Clementis Papae VII. anno sexto: Coram Excellentissimo Principe Domino Roberto, Rege Scotorum illustri, ejusque Primogenito, Johanne Comite de Carrick, & Roberto Comite de Fyfe, militibus: Reverendus in Christo Pater Walterus, Dei gratiâ, Episcopus Glasguensis, ex parte una; & venerabilis pater, dominus Johannes de Lithgw, Abbas Monasterii de Passeleto \*, ordinis Cluniacensis, Glasguen. Diocesis, ex altera, personaliter constituti. Idem dominus Episcopus asseruit se, de jure communi, jurisdictionem ordinariam habere in Abbatem & Conventum dicti Monasterii de Passeleto; & consequens, quemlibet Cano-

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\* Paisley was a famous Abbey of *Benedictines*, or *Black Monks*, of the Congregation of *Cluny* in *France*, brought from *Wenlock* in *England*. It was founded by *Walter* Son of *Allan*, *Dapifer Regis Scotia*, in 1164, near the Water of *Kart*, in the Barony of *Renfrew*, about two Miles from that City, which giveth Name to that little Shire, and six Miles from *Glasgow*. The Fabric of this Monastery was both large and spacious. The Church is a stately and fair Building; the one and the other, with the fruitful Orchyards and pleasant Gardens, were inclosed with one of the most magnificent Walls in *Britain*, by *George Schaw*, of the Family of *Sauchy*, Abbot of that Place, in 1484. There was an Abridgment of our Chronicles kept here, called *The Black Book of Paisley*: 'Tis now in the Royal Library of *St. James's*, bound in a Red Cover. This marvellous Piece of Antiquity is frequently cited by *Buchanan*: It belonged to *Sir William Sinclair of Roslin*, Lord Justice General: It was in *Bishop Spotiswood's* Custody whilst he compiled his Church History. During our late Troubles it fell into General *Fairfax's* Hands, by whom it was carried into *England*. There is a defac'd Copy thereof in *Bennet's* College at *Cambridge*, written by *John Gibson*, Canon of *Glasgow*, An. 1500. whom Mr. *Baker*, by Mistake, takes to have been Canon, *Aurelianensis*, for Canon, *Glasguensis*.

Canonice electum ejusdem. ab ipso & successoribus suis qui pro  
 tempore fuerint, debere confirmari & benedici, & non alibi, ip-  
 sorum licentiâ super hoc non petita & obtenta; in cujus juris-  
 dictionis possessione sui prædecessores notoriè fuerunt, ut dice-  
 bat. Præfatus vero Abbas, contrarium asserens, dixit, Se, Con-  
 ventum suum, & Monasterium prædictum, ab omni jurisdictione  
 ordinaria fuisse & esse exemptum, per certa privilegia, dicto  
 Monasterio & ordini Cluniacensi specialiter concessa & indulta,  
 ac in ipsius libertatis possessione semper existere, a tempore ho-  
 minum quorum memoria non existit, sine interruptione cujus-  
 cunque. Et super hujusmodi quæstione seu controversia, inter  
 ipsos Episcopum & Abbatem sic diu ventilata; pro bono utrius-  
 que partis, ipsis Rege & Comitibus in hac parte diligenter tra-  
 ctantibus, ac considerato, quod dictus dominus Episcopus, in  
 arduis Regis & Regni negotiis, ad partes remotas tunc erat in  
 legatione ordinatus, de ipsorum Episcopi & Abbatis consensu,  
 in forma quæ sequitur extitit concordatum, viz. Quod dicta  
 quæstio sive causa, in statu quo tunc erat integre remaneret, us-  
 que ad reditum de remotis domini Episcopi prædicti; ita quod  
 interim nulla dictarum partium in præjudicium juris alterius a-  
 liquid impetraret seu attemptaret in Romana curia, vel alibi u-  
 bicunque, Et in casu quo medio tempore aliquid fuerit impe-  
 tratum pro dictis Abbate & Conventu, illud non cederet in de-  
 rogationem juris aut causæ inter eosdem, ut præmittitur, motæ.  
 Et ista firmiter & inviolabiliter observare, tam dictus dominus  
 Episcopus, quam dominus Abbas præfatus, manu levata & fide  
 præstita, fideliter promisit; & super præmissis petierunt dictæ  
 partes, & earum quælibet, per me Notarium subscriptum, sibi  
 confici publicum instrumentum, seu publica instrumenta, confi-  
 milis substantiæ, tenoris atque formæ. Acta sunt hæc apud Ec-  
 clesiam parochialem de Dumbarton, Anno, Indictione, Die, Men-  
 se & Pontificatu prædictis. Præsentibus venerabilibus viris &  
 discretis dominis, magistris Symone de Ketnes-Decano, & Willi-  
 elmo Adysym, Canonico Ecclesiæ Aberdonensis; Johanne de  
 Glasgw, Cancellario Ecclesiæ Dunkelden. Nicholao de Irwyne  
 & Johanne Wischard, Canonico Ecclesiæ Glasguen. ac Thoma

de Barry, Notario publico; cum multis aliis testibus, ad præmissa vocatis, & specialiter rogatis.

Et ego David de Stryvelyn, Clericus Sancti Andreae Dioecesis, publicus, Apostolica & Imperiali auctoritate, Notarius, præmissis omnibus & singulis, dum fierent & agerentur ut suprascribuntur, una cum prænominatis Testibus, præfato die & loco præsens fui; eaque omnia & singula sic fieri vidi & audiui, & in hanc publicam formam redegi, & signo meo consueto signavi, per prædictos Episcopum & Abbatem rogatum & requisitum, in testimonium prædictorum.

*Confirmatio Roberti II. Regis, Baronie de Harberschire, facta Willielmo de Douglas. Ex Autographo.*

**R**OBERTUS, Dei Gratia, Rex Scotorum; Omnibus probris hominibus totius terrae suae, Clericis & Laicis, Salutem. Sciatis nos approbasse, ratificasse, & hac præsentis Carta nostra confirmasse donationem illam & concessionem, quas fecit & concessit consanguineus noster Archibaldus de Douglas, Dominus Galwidæ, Willielmo de Douglas militi, filio suo, de Baronie de Harbarschire, cum pertinentiis, infra Vicecomitatum de Strivelyne. *Tenend. & Habend.* prædicto Willielmo, & Ægidie sponse suæ, filie nostræ carissimæ, eorumque alteri diutius viventi, & hæredibus inter ipsos legitime procreatis seu procreandis, in feodo & hæreditate, per omnes rectas metas & divisas suas; cum omnibus & singulis libertat. commod. ayssamentis & justis pertinentiis quibuscunque, ad dictam Baroniam cum pertinentiis spectantibus, seu quoquomodo spectare valentibus in futurum; adeo libere & quiete, plenarie, integre & honorifice, in omnibus & per omnia, sicut Carta dicti consanguinei nostri, eis inde confecta, in se juste continet & proportionat; salvo servicio nostro. In cujus rei testimonium, præsentis,

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Cartæ

Cartae Confirmationis nostrum præcepimus apponi Sigillum. Testibus venerabilibus in Christo patribus, Waltero, & Johanne Cancellario nostro, Sancti Andreae & Dunkelden. Ecclesiarum Episcopis; Johanne primogenito nostro, de Carrick, Senescallo Scotiae; Roberto de Fyfe & de Meneteth, filio nostro dilecto, Comitibus; Archibaldo de Douglas & Thoma de Erskyne, consanguineis nostris, militibus. Apud Castrum nostrum de Rothesay, decimo-sexto die Maii. Anno Regni nostri decimo-nono.

[ *The broad Seal of White Wax appended, on a Tague of Parchment* ]

There is no rational Man, of any ordinary Reach or Understanding, who will read with Attention the King's Declaration, in the *Appendix*, Num. I. and the preceeding Charters, transcrib'd either from the Originals or our public Records, but will easily perceive, that *John Stuart* behoved to be lawful Son to King Robert. His Designation of *Primogenitus & Hæres*, his Authority and Credit, in settling a perpetual Peace and Friendship betwixt *Paisley* and Sir *William More*, and betwixt *John Lithgow*, Abbot of that Monastery, and *Walter Wardlaw* Bishop of *Glasgow*, afterwards Cardinal, and Legate for the Pope, who were at Variance; the hereditary Office of Steward, bestow'd on him at his Father's Accession to the Throne, preferably to the other Children; the Privilege of Precedency and of Subscribing all public Writings, before our Peers, without being quarrelled, notwithstanding he was only advanced to the Dignity of an Earl about the latter End of King *David's* Reign, and so should have been ranked after them in the Records, and in the Reer, in the Rolls; His Father's Manifesto made at *Scoon* in his Favours, the 27th of *March*, 1371 \*, whilst the whole Nation was gathered in one Body, without any Opposition from *William* Earl of *Douglas*,  
who

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\* The Terms of the Manifesto are: *Serenissimus Princeps Dominus Robertus, Dei Gratia, Rex Scottorum illustris; apud Sconam tempore sua Coronationis existens; --- Post sacra Unctionis & Coronationis sua peracta Solemnia --- Volens,*  
*more*



who is said to have laid Claim to the Crown at *Linlithgow*, after King *David's* Decease, as descended of the *Balliols* and *Cumins*: Are, in my Judgment, so solid Proofs, and so clear Demonstrations, for supporting what I have averred, that there can be no tolerable Objection started or alledged against his being Eldest Lawful Son and Heir to King *Robert*; and consequently, against his Mother's lawful Marriage in 1334. In which Year Pope *John XXII.* who granted the Dispensation, peaceably departed this Life, and was succeeded by *Bennet XII.*

I have also noticed, That *Robert II.* out of his Royal Care and tender Affection, was pleased to provide plentifully for his Bastards, begotten upon *Marion Cardanay* his Concubine, after he was King. His Dispositions nevertheless were illegal and irregular; for altho' the Law allows every Freeholder or Convoyer to dispose of a Part of his Fortune, or of his Civil Rights, in favours of any Person he fancies; *Lib. 2, Cap. 18, Art. 7, Licet autem generaliter cuilibet liceat de terra sua rationabilem partem, pro voluntate sua, cuicunque voluerit in vita sua donare:*

Yet the Bastard is expressly excepted, by the 19 Chap. Art. 5, in case there be an Heir; *Sed nunquam filio Bastardo potest quis, filium & heredem habens, de sua hereditate donare.* The Grants then made by the King behoved necessarily to be ratified by the undoubted Heir, for securing the Children unlawfully born, in what Lands were transferred to them, and removing those Fears the Parties concerned had conceived, that they should be denuded and deprived of their Estates after their Father's Death. *John* Earl of *Carrick* being then earnestly requir'd, as Heir, to confirm, by

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*more & exemplo celebri memoria Aui sui, coram Clero & Populo Successorem & verum heredem suum declarare ibidem, licet de ipso clave constitit atque constet; ex habundanti & unanimi consensu & assensu dictorum Prelatorum, Comitum, Procerum & Magnatum, indicavit, asseruit & recognovit, declaravit & voluit, Quod cum ipsum contigerit, pro dispositione Divina, ab hac luce migrare, Dominus Johannes, filius suus primogenitus, Comes de Carrick, & Senescallus Scotia, erit & esse debet verus & legitimus heres suus; ac sibi, post mortem suam, in Regno Scotia, Domino disponente, succedat, & succedere debet. & post eum sedebit, & sedere debet, super Solium Regni sui.*

by a separate Patent, their Charters and Infeifrments for that Purpose, and naming himself in the Record, *Eldest Son to King Robert*, which is equivalent to *Eldest Lawful Son*, whilst he calls the Children of *Marion Cardnay*, in opposition to himself and his Brethren, *Natural Sons*. It follows from thence, That his Mother was *Lawful Wife*, and that he himself was *Legal Heir* to the King; both Assertions being evident from the preceeding and following Documents.

*Carta 114, Rotul. 4, Roberti II. Alexandro Senescalli, de terris de Inverlounan.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus--- Salutem. Sciatis nos dedisse, concessisse, & hac præfenti Carta nostra confirmasse, carissimo filio nostro Alexandro Senescalli, de Mariota de Cardny procreato, omnes & singulas terras de Innerlounan, cum pertinentiis, infra Vicecomitatum de Forfar, quæ fuerunt Richardi de Monte Alto, Capellani; & quæ idem Richardus, non vi aut metu ductus, nec errore lapsus, sed mera & spontanea voluntate sua, nobis perfuitem & baculum sursum reddidit, pureque & simpliciter resignavit, ac totum jus & clameum, quæ in dictis terris, cum pertinentiis, habuit vel habere potuit, pro se & hæredibus suis omnino quietum clamavit in perpetuum. *Tenend. & Habend.* dicto Alexandro & hæredibus suis, de corpore suo legitime procreandis; quibus forte deficientibus, Johanni Senescalli, filio nostro, fratri dicti Alexandri uterino; & ipsis deficientibus, Jacobo filio nostro, ex eadem Mariota procreato, & hæredibus de corpore suo legitime exeuntibus; quibus omnibus deficientibus, veris & legitimis hæredibus nostris, in feodo & hæreditate; per omnes rectas metas & divisas suas, in unam integram & liberam Baroniam; in boscis & planis, moris, marresis, viis, semitis, aquis, stagnis, molendinis, multuris & eorum sequelis, pratis, pascuis & pasturis, aucupationibus, venationibus & piscariis, bondis, bandagiis, natis & eorum sequelis; cum tenandis,

dis, & servitiis libere tenentium; cum furca & fossa, socka & socko, thol & theame, & infangand thief; ac cum omnibus & singulis commod. libertat. & ayliamentis, ac justis pertinentiis quibuscunque, ad dictam Baroniam, cum pertinentiis, spectantibus, seu iuste spectare valentibus quomodolibet in futurum; adeo libere & quiere, plenarie, integre & honorifice, in omnibus & per omnia, sicut dictus Richardus vel antecessores sui, dictam Baroniam, cum pertinentiis, de nobis, ante resignationem suam exinde factam, liberius, quietius, plenius, integrius & honorificentius, tenuit seu possedit, aut tenuerunt seu possederunt. *Faciendo* inde servitia debita & consueta. In cujus rei testimonium --- Testibus, venerabili in Christo patre, Willielmo Episcopo Sancti Andree; Johanne primogenito nostro, Comite de Carrick, Senescallo Scotiae; Roberto de Fyfe & de Meneteth, filio nostro dilecto; Willielmo de Douglas & de Mar, Consanguineo nostro, Comitibus; venerabili viro, magistro Johanne de Peeblys, Archidiacono Sancti Andree, Cancellario nostro; Jacobo de Lyndesay, nepote nostro carissimo, & Alexandro de Lyndesay, Consanguineo nostro, militibus. Apud Dundee, quarto die Januarii. Anno Regni nostri septimo.

*Carta 15, Rotul. 8. Roberti II. Alexandro Senescalli, de terris de Lounane.*

**R**OBERTUS, Dei gratia --- Omnibus --- Sciatis nos dedisse --- dilecto filio nostro Alexandro Senescalli, genito inter nos & dilectam nostram Marioram de Cardny, omnes & singulas terras nostras de Lounane, cum pertinentiis, quae fuerunt quondam Richardi Mouat, infra Vicecomitatum de Forfar; & quas ipse Richardus, non vi aut metu ductus, nec errore lapsus, sed mera & spontanea voluntate sua nobis per fustem & baculum sursum reddidit, pureque & simpliciter resignavit; nec non omnes & singulas terras nostras de Petfoure, cum pertinentiis, infra Vicecomitatum de Aberdene. *Tenend. & Habend. praedicto Alexandro & heredibus suis, de corpore suo legitime procreandis;*

creandis; quibus forsan deficientibus, dilecto filio nostro Johanni Senescalli, fratri suo de eadem matre, & hæredibus suis, de corpore suo legitime procreandis; quibus fortasse deficientibus, dilecto filio nostro Jacobo Senescalli, eorum fratri de eaisa matre, & hæredibus suis, de corpore suo legitime procreandis; quibus vero forsitam deficientibus, ad nos & hæredes nostros Reges Scotiæ, perpetuo & plenarie reversur. de nobis & hæredibus nostris, in feodo & hæreditate --- in boscis & planis --- cum tenandis, & servitiis libere tenentium, natis, bondis, bandagiis & eorum sequelis, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad prædictas terras, cum pertinentiis, spectantibus, seu quoquomodo spectare valentibus in futurum. *Reddendo* inde nobis annuatim, & hæredibus nostris, unum denarium argenti, nomine *Albæfirmæ*, apud Lounan, si petatur tantum; pro wardis, releviis, maritagiiis, curiarum sectis; ac omnibus aliis secularibus servitiis, exactiionibus & demandis; ac omnibus quæ de dictis terris, cum pertinentiis, per quemcunque exigì poterunt vel requiri. In cujus rei testimonium --- *Testibus* --- Apud Perth, decimo-quinto die Januarii. Anno Regni nostri duodecimo.

*Carta 13, Rotul. 8, Roberti II. Johanni Senescalli, de terris de Kynclevin, &c.*

**R**OBERTUS, Dei gratiâ, Rex. Scotorum -- Omnibus probis hominibus -- Sciatis nos dedisse, concessisse, & hac præsentì Carta nostra confirmasse dilecto filio nostro Johanni Senescalli, genito inter nos & dilectam nostram Mariotam de Cardny, omnes & singulas terras de Kinclewyn, Erbintolly, Tullibeltyne & Dulmernock minor, cum pertinentiis, in Thanagio de Kinclewyn, infra Vicecomitatum de Perth. *Tenend. & Habend.* eidem Johanni & hæredibus suis, de corpore suo legitime procreandis; quibus forsan deficientibus, dilecto filio nostro Alexandro Senescalli, fratri suo de ipsa matre, & hæredibus suis, de corpore suo legitime procreandis; quibus quoque for-



fortasse deficientibus, dilecto filio nostro Jacobo Senescalli, fratri eorundem ex eaisa matre, & hæredibus suis, de corpore suo legitime procreandis; quibus utique forsan deficientibus, ad nos & hæredes nostros Reges Scotiæ, perpetuo & plenarie reversuras, de nobis & hæredibus nostris, in feodo & hæreditate in perpetuum; libere, quiete, plenarie, bene & in pace, ac honorifice; per omnes rectas metas & divisas suas, antiquas & novas; in domibus & maneriis, in boscis & planis, moris, marressis, vis, semitis, aquis, stagnis & rivulis, ac lacubus, petariis, turbariis, vivariis, pratis, pascuis & pasturis, aucupationibus, venationibus & piscariis, molendinis, multuris, & eorum sequelis, antiquis & novis; cum curiis, curiarumque sectis, exitibus & eschaectis; cum tenandiis, & servitiis libere tenentium, nativis, bondis, bondagiis, & eorum sequelis, fabrilibus, brasinis, & aliis officinis quibuscunque; ac cum universis & singulis libertatibus, commoditatibus, aysiamenis, tam non nominatis quam nominatis, tam sub terra quam supra terram; tam procul quam prope, ad prædictas terras, cum pertinentiis, spectantibus, seu quoquomodo justè spectare valentibus in futurum. *Reddendo* inde nobis annuatim, & hæredibus nostris, unum denarium argenti, nomine *Albasfirmæ*, apud Kinclewyn, si petatur tantum, pro wardis, releviis, maritagiis, curiarum sectis, ac omnibus aliis secularibus servitiis, exactionibus, oneribus & demandis, quæ de dictis terris, cum pertinentiis, per quemcunque exigi poterunt aut requiri. In cujus rei testimonium --- Testibus --- Apud Perth, quinto-decimo die Januarii. Anno Regni nostri duodecimo.

*Carta 14, Roberti II. Rotul. 8, Jacobo Senescalli, de terris de Kinfawns, Ratte & Forreviot. Vide Appendix, Num. 2.*

**R**OBERTUS, Dei Gratiâ, Rex Scotorum; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem. Sciatis nos dedisse, concessisse, & hac præsentī  
Carta

Carta nostra confirmasse dilecto filio nostro Jacobo Senescalli, genito inter nos & Mariotam de Cardny, Orientalem medietatem nostram terrarum de Kinfawns, cum pertinentiis; ac omnes & singulas terras nostras de Ratte, cum pertinentiis; nec non omnes & singulas terras nostras & molendinum nostrum de Forteviot, cum pertinentiis, infra Vicecomitatum de Perth. *Tenend. & Habend.* dicto Jacobo & heredibus suis, de corpore suo legitime procreandis; quibus forsitan deficientibus, dilecto filio nostro Alexandro Senescalli, fratre suo de eadem matre, & heredibus suis, de corpore suo legitime procreandis; quibus tortasse deficientibus, dilecto filio nostro Johanni Senescalli, fratri ipsorum de eadem matre, & heredibus ipsius, de corpore suo legitime procreandis; quibus etiam forsitan deficientibus, ad nos & heredem nostrum Reges Scotiæ, perpetuo & plenarie reversur. de nobis & heredibus nostris, in feodo & hereditate --- *Reddendo* inde annuatim nobis & heredibus nostris, unum denarium argenti, nomine *Albasirmæ*, apud Forteviot, si petatur tantum, pro wardis, releviis, maritagii, curiarum sectis, ac omnibus aliis secularibus servitiis, exactionibus, oneribus & demandis, quæ de dictis terris, cum pertinentiis, exigere poterunt vel requiri. In cujus rei testimonium -- Apud Perth, decimo quinto die Januarii, Anno Regni nostri duodecimo.

Carta *Johannis* Comitis de *Carrick*, facta filiis ipsius *Roberti* II. Regis, 1382. Ex Autographo. \*

*JOHN*, Eldest Son to the Illustrious King of Scotland, Earl of Carrick and Steward of Scotland; Robert Earl of Fife and Monteth, Alexander Lord Badenoch, Sons also to the forenamed King; Greeting in the Lord: Forasmikle as our Lord and Progenitor King of Scot-

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\* This Charter I found among the Papers of Sir John Hay of Bara & Lands, Ford Register of Scotland, my worthy Grandfather, one of the greatest Ornaments of his Age.

Scotland, has given several Lands, to wit, the Lands of Ratte, Kin-  
fawns, Kynclwyn, Innerlornian, Lounan, Perfour, Erbintolly, Tulli-  
beltin, Dulmernoock and Forteviot, and Ten-mark-lands within the She-  
reffdome of Aberdene, to his natural Sons begottin on Marion Cardny,  
under certain Conditions and Forms, as it is contained in his Charters,  
made to his said Sons, more fully. Be it kend to all, That we have  
faithfully promised, by the Tenour of thir present Letters, That as we  
may, and ought in Justice, we shall maintain and defend them, that  
they nor none of them shall sustain any Injury in the Possession of the said  
Lands, nor Violence, wherethrow they may be hindered to freely use and  
enjoy the samyne, notwithstanding of any Estate we may possibly come  
to. In witness whereof, we have appended our Seals to thir Presents,  
to remain with them for their Security. Given at Edinburgh, the 21  
of June, 1382.

Ita est, per me Dom. Adam Turnbull, Capellanum &  
Notarium Publicum.

I have yet another Reason which prevails with me to believe  
that John Lord Kyle, afterwards Earl of Carrick, was Lawful  
Son, and Elizabeth More, Lawful Wife to King Robert; which  
is, That in our Register Books, all public Deeds made for the  
Use and Behoof of the Subject, are either attested or approven  
by the undoubted Heir, *ad majorem evidentiam & securitatem*, for  
removing all Inconveniencies: Accordingly the Lord Kyle, or  
Earl of Carrick, being constantly found Witness to his Father's  
Grants, or approving his Charters by a joint Assent, or appen-  
ding his Seal thereto, which is equivalent, even to those given  
to Queen Euphane and her Children, with a distinguishing Cha-  
racter of Eldest Son and Heir, and other glorious Designations.  
I must draw a strenuous and invincible Argument from thence,  
That he was not liable to any Reproach as to his Birth, nor  
his Mother, to any Stain of Incontinency and Weakness: For  
if she had been a Concubine, or made a Slip in the Heat of her  
Youth, before she was legally and canonically married to the  
Steward, or if he himself had been born *extra Matrimonium*;  
what could have induced his Father to join him as Heir, con-  
junctly

junctly with himself, in the Bosom of his Charters, for giving them a fairer Appearance of Strength? Since the Bastard, by the Laws and Constitutions of our Nation, cannot succeed to his Father's Inheritance, and consequently is no Heir; what could have induc'd the Queen and her Children to allow him peaceably, in their Papers, the Title of *Primogenitus & Hæres*, and the Privilege of appending his Seal to their Writs, if he had been unlawfully begotten? *John* Lord *Kyle* and Earl of *Carrick*, appending then his Seal to the Charters granted by his Father and Brethren begotten upon Queen *Euphame*, at their pressing Instances, designing himself *Eldest Son and Heir* in those Papers where they are so nearly concerned, without being ever quarrell'd; and giving his joint Assent to King *Robert's* Dispositions, both before and after he was set on the Throne; there's no Ground for suspecting him to have been a Bastard, nor his Mother, to have been a Concubine; as will appear from the following Charters, which do clearly vindicate them from the vile Aspersions which *Inness*, *Gray*, *Hearne* and *Sage* have thrown upon them, by their false and inconsiderate Calculations.

*Carta Roberti II. Alano de Lawedre, Tenenti suo de Whitlade. It is the 275 Charter of King David's Book, Fol. 55, and the 4th Charter of the first Roll of King Robert II. which is the 2d Roll in the public Registers.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Salutem. Sciatis nos  
quandam Cartam factam per nos, dum eramus Senescal-  
lus Scotiæ, Alano de Lawedre, fideli nostro, de mandato nostro  
inspectam & diligenter examinatam, non abolitam, non cancel-  
latam, non rasam, nec in aliqua sui parte vitiatam, intellexisse ad  
plenum in hæc verba: *Omnibus hoc scriptum visuris vel auditu-*  
ris



ris; *Robertus Senescallus Scotiae*, Comes de Stratherne, Salutem in Domino sempiternam. Noverit universitas vestra, nos, de consensu & assensu dilecti Primogeniti nostri & Hæredis, *Johannis Senescalli*, Comitis de Carrick, dedisse, concessisse, & hoc præfenti scripto nostro confirmasse dilecto nostro Alano de Lawedre, Tenenti nostro de Whitlade\*; pro suo bono & fideli servitio, nobis impenso & impendendo, omnia proficua & servitia nobis debita seu debenda; viz. Wardas, cum maritagiiis, relevia, annuos redditus, albas firmas, & earum duplicationes; cum curiis, eschaëtis, seu curiarum exitibus, & servitiis libere tenentium; de tenandiis de Byrkynsyde, Lygeartwodde, Moryston & Auldynston, cum suis pertinentiis, in perpetuum, quæ de nobis tenentur in capite, infra Vicecomitatum de Berwico super Twedam. *Tenend. & Habend.* prædicto Alano, hæredibus suis, & suis assignatis dominis de Whitlade, omnia proficua & servitia prædicta, cum omnibus suis pertinentiis, ut prædictum est, de nobis & hæredibus nostris Baronibus de Renfrew, in feodo & hæreditate; a deo libere & quiete, plenarie & honorifice, bene & in pace, sicut aliqua proficua & servitia tenentur ab aliquo Comite vel Barone alicui tenenti, pro suo fideli servitio, dari poterunt vel concedi; sine aliquo retinemento, in perpetuum, hommagio, vel fidelitate Comitis Marchiæ, si nobis debetur, pro tenandia de Byrkynsyde duntaxat; exceptis proficuis & servitiis curiæ de dicta tenandia in omnibus, ut prædictum est, prædicto Alano, hæredibus suis,\* & suis assignatis dominis de Whitlade, in perpetuum remansuris. *Reddendo* inde annuatim, prædictus Alanus, hæredes sui, & sui assignati domini de Whitlade, nobis & hæredibus nostris Baronibus de Renfrew, apud antiquam mansionem de Whitlade, in Festo Nativitatis B. Johannis Baptistæ, unum

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\* The Original Charter of the Lands of *Whitlade*, granted to *Allan Lawder* belongs to the much honoured *Alexander Murray Younger of Stanhope*, a Gentleman of bright Parts, and a great Encourager of Learning, who was pleas'd to communicate it to me. It answers exactly the Copy found in the *Regiars*, excepting that after *Eschaëtis*. there is *festis curiarum*; that after *Johanne de Lyle, milit.* there is *Johanne Waleys, Roberto de Howston, Johanne Tays*.

num denarium argenti, nomine *Albafirma*, si petatur tantum, pro omni alio servitio, exactione seculari vel demanda, quæ per nos vel hæredes nostros, ab ipso Alano, hæredibus suis, & suis assignatis, ut prædictum est, tam pro terris suis de Whitflade, cum pertinentiis, quæ de nobis tenentur in capite, infra Vicecomitatum de Berviko supra dictum, quam de omnibus aliis & singulis tenendis prædictis, vel aliqua parte earundem, exigi poterunt in perpetuum vel requiri. Nos vero Robertus Senescallus Scotiæ prædictus, & hæredes nostri prædicti Barones de Rensfrew, totam terram de Whitflade, cum servitiis & proficuis omnium tenentium prædictorum, in omnibus, ut prædictum est, prædicto Alano, hæredibus suis, & suis assignatis, contra omnes mortales warrantizabimus & defendemus. In cujus rei testimonium, Sigillum nostrum, unâ cum Sigillo Hæredis nostri prædicti, præsentati scripto fecimus apponi. Apud Rensfrew. Hiis testibus, dominis Roberto de Erskyne, Johanne de Danyellston, Adam de Foulerton & Johanne de Lyle, militibus. Quam quidem Cartam, donationemque & concessionem in eadem contentas, in omnibus punctis suis & articulis, conditionibus & modis, ac circumstantiis quibuscunque, forma pariter & effectu, in omnibus & per omnia, approbamus, ratificamus, & pro nobis & hæredibus nostris in perpetuum confirmamus; salvo servitio nostro. In cujus rei testimonium, huic præsentati Cartæ confirmationis nostræ, Sigillum nostrum præcepimus apponi. Testibus, venerabilibus in Christo patribus Willielmo & Patricio, Sancti Andree & Brechinen. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Menebeth; Alexandro Senescalli, militibus, filiis nostris carissimis: Willielmo Comite de Douglas; Johanne de Carrick, Canonico Glasguen. Cancellario nostro; Alexandro de Lyndesay & Roberto de Erskyne, militibus, consanguineis nostris. Apud Sanctum Andream, tertio-decimo die Junii. Anno Regni nostri primo.

*Carta.*

*Tayt, Johanne Cady, & multis aliis; that after In cujus rei testimonium, there is, præsentati Cartæ confirmatoinis nostræ; and that it is dated, Apud S. Andr. Decimo die mēsis Martii, Anno Regni nostri secundo.*

*Carta Roberti II. Johanni filio Willielmi, de  
300 plaustrat. petarum. Ex Autographo\*.*

**R**OBERTUS, Dei gratiâ --- Omnibus probis hominibus ---  
Cum Johannes filius Willielmi, & Christiana sponsa sua,  
ratione dictæ sponsæ, & hæredes ipsius Christianæ, nobis  
& hæredibus nostris Regibus Scotiæ, reddere teneantur annuatim,  
apud manerium nostrum de Forfar, trecentos plaustratus petarum,  
pro terris de Balmoschenere & de Tyrebeg, cum pertinent.  
infra Vicecomitatum de Forfar, nosque, apud Forfar, totiens, sicut  
prædecessores nostri, residentiam hiis temporibus non faciamus;  
concessimus dicto Johanni, de gratia nostra speciali, ac de consensu  
& voluntate Johannis Primogeniti nostri, Comitis de Carrick,  
Senescalli Scotiæ; Quod prædictus Johannes, filius Willielmi,  
sponsa sua prædicta, & hæredes prænominati, pro dictis  
trecentis plaustratibus petarum, tantum nobis & hæredibus nostris  
inveniant, quotiens nos & ipsos apud Forfar venire contigerit,  
focale, ad sufficientiam pro mora nostra & hæredum nostrorum  
ibidem facienda. Cum super hoc dictus Johannes, filius Willielmi,  
sponsa sua supradicta, & hæredes prænotati, rationabiliter fuerint  
præmoniti, sic quod aliter quam pro deferendo nobis & dictis nostris  
hæredibus, de ipso focali ad sufficientiam, quotiens illuc venerimus,  
aut hæredes nostri venerint, de cætero nullatenus compellantur.  
In cujus rei testimonium, præsentī Cartæ nostræ, nostrum præcepimus apponi Sigillum.  
Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andree  
& Brechinen. Dei gratiâ, Ecclesiarum Episcopis; Johanne Primogeniro nostro,  
Comite de Carrick & Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth,  
filio nostro dilecto; Willielmo Comite de Douglas; Georgio de Dumbear,  
Comite Marchiæ, consanguineis nostris; Johanne de Carrick, Canonico  
Glâsguen. Cancellario nostro; Jacobo de Lyndesay, nepote nostro;  
Hugone de Eglinton & Roberto de Erskyn, militibus,  
L con-

\* This Charter is the 12th of the 2d Roll of King Robert II. which is the 3d Roll of our Registers.

consanguineis nostris. Apud Glasgw, vicesimo-octavo die mensis Octobris, anno Regni nostri secundo.

*Carta 7, Rotul. 7, Roberti II. Waltero de Ogylwy, de annuo redditu 29 Librarum.*

**R**OBERTUS, Dei gratiâ --- Omnibus probis hominibus -- Sciatis nos, de consensu & assensu carissimi Primogeniti nostri Johannis Comitis de Carrick, Senescalli Scotiæ, dedisse, concessisse, & hac præsentî Carta nostra confirmasse dilecto & fideli nostro Waltero de Ogylwy, militi, pro servitio suo impenso & impendendo, illum annum redditum 29 marcarum Sterlingor. nobis debitum sive exeuntem de Thanagio de Kyngalvy, infra Vicecomitatum de Forfar. *Tenend. & Habend.* eidem Waltero & hæredibus suis, de nobis & hæredibus nostris, in feodo & hæreditate, cum omnibus & singulis libertat. commoditat. aysiamen. & justis pertinentiis quibuscunque, ad dictum annum redditum pertinent. seu juste pertinere valent. quomodolibet in futurum: Ita tamen, quod dictus Walterus & hæredes sui, pro eleemosynis Regiis, de dicto annuo redditu alias concess. per prædecessores nostros Reges Scotiæ, juste satisfacere teneantur. In cujus rei testimonium, præsentî Cartæ nostræ, nostrum præcepimus apponi Sigillum. Testibus --- Apud Logyrate, vicesimo-quarto die Octobris. Anno Regni nostri quindecimo.

*Carta Roberti Senescalli Scotiæ, facta uni Capellano in Ecclesia Glasgwen. Ex autographo, 1364.*

**O**mnibus hanc Cartam visuris vel audituris, Robertus Senescallus Scotiæ, Comes de Stratherne, Salutem in Domino sempiternam. Cum dudum venerabili patri domino Wilhelmo, Dei gratiâ, Episcopo Glasgwenfi, fuerit per litteras Apostolicas



postolicas specialiter delegatum, ut super Matrimonio contrahendo inter nos & \* *quondam Elizabeth More, dum ageret in humanis*, non obstante impedimento consanguinitatis & affinitatis, contractui matrimoniali praedicto impedimentum praestante, auctoritate

\* This Charter was first published by Mr. Innes, Primar of the Scots College, in 1695, *Parisiis*; *Ex Typographia Francisci Muguet, Regis Christianissimi, & Cleri Gallicani Typographi*: With a Preface and Notes. Don John Mabillon caused insert the whole Pamphlet in his elaborate Treatise, entitled, *Supplementum Librorum de re Diplomatica*, printed by Robustel, Anno 1704. The Right Honourable Earl of Cromarty gave us also an Edition thereof in 1695, printed at Edinburgh, by the Heirs of Andrew Anderson. Of late the incomparable Mr. Hearn, so much admired for his excellent Writings, hath ordered it to be Re-printed at Oxford, in his Appendix to Fordun. Long before it was exposed to the View of the World, I had a Copy thereof, taken from the Extracts of the Two Register-books of Glasgow, some few Years before they were carried Abroad by Bishop Beaton. The Charter it self shows us evidently, 1mo. That Robert II. whilst Steward of Scotland, had applied himself to his Holiness, for a Dispensation or Licence to marry *Elizabeth More*, notwithstanding the Degrees of Consanguinity or Affinity wherein they stood. 2do, That William Bishop of Glasgow, who succeeded John Lindsay, having taken the Business to Consideration, had supported and countenanced his Design, as Subdelegate, that is to say, as having a full Power and Commission for that effect, from Avignon. 3tio, That Robert Stuart had promised faithfully to execute whatsoever had been enjoined and ordered him by the Bishop: But being hindred probably by the Heat of the Wars that continued till King David's Return to Scotland in 1357, and by some other Difficulties he fell under whilst the King adhered to Margaret Logie, whom he took to his Second Wife, he had not been able to fulfil his ancient Bond till 1364. At which Time he mortified Ten Marks Sterling, payable out of the Carls of Stirling, by the Abbot and Convent of Holy-Rood-House of Edinburgh, for the Use and Maintenance of a Chaplain, who was to officiate at the appointed Altar, in the Cathedral Church of Glasgow. Whence 'tis plain, that the Dispensation was obtain'd, and that the Marriage was solemnized, otherwise he had not founded the forementioned Chaplainry. *Noverit universitas vestra, nos, ex causa praemissa, dedisse, &c.* And it appears by the Terms of the Charter, that *Elizabeth* his Spouse was dead and buried several Years before the Grant of the Ten Marks Sterling: *Super Matrimonio contrahendo inter nos & quondam Elizabeth More, dum ageret in humanis*. Which entirely overturns Buchanan's scandalous Topics concerning her Marriage after Queen Euphemia's Death. Yet this authentic Charter, curiously examined and compared a-new with Mr. Innes's Paraphrase or Notes, does not furnish us any weighty Proof

ritate Apostolica dispenseret, dummodo duas Capellas, vel unam, pro arbitrio ipsius Episcopi, perpetuo fundaremus. Ac dictus Venerabilis Pater, consideratis in hac parte considerandis, nobiscum super impedimento prædicto, auctoritate qua supra dispensans, nobis injunxerit, ut una Capellania in Ecclesia Glasguen. ad unum certum altare, ad pensionem decem marcarum Sterling. annuatim percipiend. de certis redditibus nostris fundaretur perpetuo; nosque eandem Capellaniam sic fundare fideliter promiserimus, infra certum tempus jam transactum, nobis tunc per dictum Episcopum limitatum. *Noverit Universitas vestra nos, ex causa præmissa, dedisse, concessisse, & hac præsent*  
*Carta*

Proof for confuting the latter Part of Buchanan's impudent Story, nor stop the Mouths of the Enemies of our Monarchy; for tho' Elizabeth had been really joined in Marriage with the Steward, as I firmly believe, tho' she was dead in 1364, which is evident; this does not make her his lawful Wife, whilst she bore John, Walter, Robert and Alexander, since Fordun's Continuator shews us positively, that she was at that Time his Where: *Iste Robertus copulavit sibi de facto unam de filiabus Ada More, militis, de qua genuit filios & filias extra matrimonium.* To which Innes agrees, in his Chronological Account of King Robert, P. 10. in the following Words: *Circa 1340, Robertus desponsat Elizabetham More.* As doth likewise the Earl of Cromerty, P. 33 of his *Vindication of Robert III.* who allows the Contract of Marriage to have been made only 10 or 12 Years before the Date of the *Carta Authentica*, or at most, 20 Years before King Robert mounted the Throne, which will be in the 1351, 52, or 54th Year of Christ. Neither doth the Designation of *Eldest Son and Heir*, assumed by the Lord Kyle in his Father's Mortification, or his Seal appended thereto, prove invincibly that he was of a lawful Issue, since Bowmaker assures us, that *secundum Canones, Matrimonium sequens legitimat filios natos ante Matrimonium.* Which is Mr. Sage's Scheme. According to which Doctrine, John Lord Kyle might have taken the Title of *Primogenitus*, as being his Father's eldest Son, born before the other Children, notwithstanding he was procreate and begot *extra matrimonium.* So that there is no solid Conclusion can be drawn against Buchanan, our late Writers, nor Fordun's Continuator, from the above Charter, except the forenamed Gentlemen allow the Marriage to have happened in the Year 1334, as I shall endeavour to show it did: Otherwise, let them put what Construction they please upon that Charter, they'll never make them lawful Children thereby, as long as they adhere to their false and romantic Supputations, nor draw any convincing Consequence therefrom, for supporting their Scheme against Buchanan and his Party.

Carta nostra confirmasse, pro nobis & hæredibus nostris perpetuo, Deo, B. Mariæ Virgini, B. Kentigerno, & uni Capellano celebranti, & celebraturo perpetuo in Ecclesia Glasguen. prædicta, decem marcas Sterling. ad sustentationem ejusdem Capellani annuatim percipiend. de annuo redditu quadraginta librarum Sterling. exeunte de terra *Del Carse Abbatis*, infra Vicecomitatum de Stryvelyne, & nobis & hæredibus nostris debito; per religiosos viros, Abbatem & Conventum *Monasterii \* Sanctæ Crucis de Edinburgh. Tenend. Habend. & percipiend.* annuatim in perpetuum, eidem Capellano qui pro tempore fuerit, per manns dictorum Religiosorum, ad terminos Pentecostes & Sancti Martini in hyeme, per portiones æquales; in liberam, puram & perpetuam eleemosynam; adeo libere, quiete, plenarie & honorifice, sicut aliqua eleemosyna per totum Regnum Scotiae, liberius conceditur, percipitur sive datur. Et nihilominus, totum jus nobis competens per cartam infeodationis, recolendae memoriae Domini Regis Roberti avi nostri, sive obligatorium dictorum Abbatis & Conventus, seu quascunque alias evidencias, ad compellendum dictos Abbatem & Conventum ad solutionem dicti annui redditus decem marcarum, in Episcopum Glasguen. qui pro tempore fuerit, & Capitulum Glasguen. sede vacante, per hanc Cartam nostram perpetuo transferimus, ipsosque & eorum alterum, quantum ad hoc, nostros, & hæredum nostrorum assignatos & assignatum facimus, constituimus, & etiam ordinamus. Et si forte contingat, quod absit, quod dictæ decem marcæ annuæ, per dictum Capellanum qui pro tempore fuerit, percipi non potuerint, ut est dictum; vel ex eo quod dicti Abbas & Conventus solvere noluerint, aut compelli non potuerint ad solutionem earundem; vel ex eo quod nos, aut aliquis hæredum nostrorum, contra præsentem infeodationem & concessionem nostram, solutionem dictarum decem marcarum impediverimus aut impediverit, aut per nos, seu alium vel alios, clam vel palam, directe vel indirecte, procuraverimus seu procuraverit impediri:

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1 See Appendix, Num. III.

Obligamus nos & hæredes nostros, per omnia bona nostra, mobilia & immobilia, ad solvend. dictas decem marcas, de aliis redditibus nostris, ubi Episcopus Glasguen. qui pro tempore fuerit, vel Capitulum ejusdem, sede vacante, duxerit eligend. toto tempore quo cessatum fuerit a solutione dictarum decem marcarum, percipiend. de annuo redditu supradicto: Subjicientes nos & hæredes nostros jurisdictioni & cohercioni Episcopi Glasguen. & ipsius Officialis, qui pro tempore fuerint; ut ipsi, per omnimodam censuram ecclesiasticam, nos & hæredes nostros compellere valeant ad perficienda omnia & singula supradicta, in casu quo defecerimus vel defecerint, quod absit, in aliquo præmissorum. Et ultra omnia prænotata, nos & hæredes nostri prædicti, donationem & concessionem nostram de dictis decem-marcis annuis percipiendis, ut supra, de annuo redditu supra-dicto, prædictis Episcopo Ecclesiæ Glasguen. & Capellano qui pro tempore fuerint, contra omnes homines & fœminas warrantizabimus, acquietabimus, & in perpetuum defendemus. In cujus rei testimonium, sigillum nostrum, unâ cum sigillo Johannis Senescalli, Domini de Kyle, Primogeniti & Hæredis nostri, præsentibus est appensum. Hiis testibus, venerabili patre domino Roberto, Abbate Monasterii de Kylwynnyne, & dominis, Johanne Senescalli, fratre nostro, Hugone de Eglintone & Thoma de Fauside, militibus; Johanne Mercer, Burgenfi de Perth; Johanne de Rose & Johanne de Tayt, armigeris nostris, & aliis. Apud Perth, duodecimo die mensis Januarii, Anno Domini, millesimo, trecentesimo sexagesimo-quarto.

[No Seals nor Tagnes]

*Carta 97, Rotul. 4, Roberti II. Regis, confirmatoria Carta Walteri Senescalli, domini de Brechyn, facta Thomæ de Rate.*

**R**obertus, Dei gratiâ, Rex Scotorum --- Omnibus probis hominibus --- Sciatis nos Cartam Confirmationis dilecti filii nostri Walteri Senescalli, & Margaritæ Sponsæ suæ, filiæ



filia & hæredis quondam David de Berklay de Brechyn, militis  
 factam dilecto & fideli nostro Thomæ de Rate, super medietate  
 Tenementi de *Arroch*, cum pertinentiis, in Baronia de Brechin,  
 infra Vicecomitatum de Forfar, de mandato nostro visam, lec-  
 tam & diligenter examinatam, intellexisse ad plenum, de verbo  
 in verbum, sub hac forma: \* *Universis* ad quos præsentis litte-  
 ræ pervenerint, præsentibus & futuris, *Walterus Senescalli*, filius  
 Magnifici Principis Domini Roberti, Dei Gratiâ, Regis Scoto-  
 rum illustris, & Dominus Baroniæ de Brechin, infra Vicecomita-  
 tum de Forfar; & Margareta sponsa sua, filia & hæres quondam  
 Domini David de Berklay, Domini dictæ Baroniæ. Salutem in  
 Domino sempiternam. *Noveritis* nos, & quemlibet nostrum, post  
 matrimonium inter nos solemniter contractum in facie Ecclesiæ,  
 & postquam vestiti & saisi fuimus, ut de feodo de dicta Baro-  
 nia de Brechin, cum pertinentiis, autoritate Domini nostri Re-  
 gis, & ex dispensatione ipsius, qui nobis infra ætatem legitti-  
 mam constitutis, prius veniam ætatis concessit; & de unanimi  
 consensu nostro, & assensu nostro, & nostrorum cujuscunque, nec  
 non de voluntate & licentia Domini nostri Regis prædicti, ac de  
 consilio & consensu aliorum parentum & amicorum nostrorum,  
 ratificasse, approbasse, & hac præsentis Carta nostra confirmasse,  
 pro nobis & altero nostrum, ac nostris hæredibus quibuscunque,  
 illas venditionem, & titulo venditionis, concessionem, quæ *David*  
 de

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\* This Charter, which immediately follows the authentic Evidence publi-  
 shed by Mr. *Innes*, is one of the most valuable Documents that *Europe* can af-  
 ford, for supporting my Sentiment and refuting *Buchanan's* Dreams; for if the  
 Foundation made by King *Robert* in the Church of *Glasgow*, shows that *Eliz-  
 abeth More* was dead in 1364, this Confirmation of the Lands of *Arroch* proves  
 to a Demonstration, that Queen *Euphame* was alive in 1378, which was five  
 Years after *Buchanan* puts her in her Grave; and consequently, that the Mar-  
 riage he patches up betwixt *Elizabeth* and King *Robert*, the 3d. Year of his  
 Reign, is inconsistent with the Truth and our Histories, since *Elizabeth* was re-  
 ally dead and in the Dust in 1364, and therefor could not have married the  
 King, who was then no Widower, and that Queen *Euphame* was as yet alive  
 in 1378, since she appended her Seal that same Year to her Son's Writs, Grants  
 and Concessions.

de Arroch fecit per Cartam suam Thomæ de Rate, Domino de Swres, de sua medietate *Tenementi de Arroch*, cum pertinentiis, in *Baronia de Brechin* prædicta, infra Vicecomitatum de Forfar. *Tenend. & Habend.* eidem Thomæ, & hæredibus suis vel assignatis, de nobis & hæredibus nostris de corporibus nostris procreandis; alioquin, ipsis deficientibus, de veris & legitimis hæredibus mei, Margaritæ filię & hæredis quondam Domini David de Berklay prædicti, in feodo & hæreditate, per omnes rectas metas & divisas suas--- adeo libere, quiete, plenarie, integre & honorifice--- cum omnibus libertat. commodit. & ayfiament. ac justis pertinentiis quibuscunque, in omnibus & per omnia, sicut Carta venditionis præfati *David de Arroch* eidem Thomæ de Rate, exinde sine aliquo retinemento confecta, in se plenius continet & proportionat. *Faciendo* nobis & dictis hæredibus nostris, dictus Thomas de Rate, & hæredes sui vel assignati, servitium de dicta medietate illius *Tenementi de Arroch*, per dictum *David de Arroch* & antecessores suos, nobis & nostris antecessoribus, debitum & consuetum. Et insuper ego Margareta prædicta, filia & hæres prædicti quondam domini David de Berklay, & sponsa præfata domini mei Walteri, filii domini nostri Regis; bona fide promitto, Quod si contingat me, post mortem præfati Domini mei esse superstitem, nullo hærede inter nos procreato, quod absit, superstitute, præfatas ratificationem, approbationem & confirmationem, in omnibus & per omnia, ut prædictum est, factas, ut supra, ratas & firmas habebo perpetuo, nec contra ipsas veniam, nec procurabo venire, directe vel indirecte, publice vel occulte. In cujus rei testimonium, sigillum *Domina nostra Domina Regina*, & Sigillum *Magnifici Domini Domini Johannis*, Comititis de Carrick & Senescalli Scotiæ, Fratris nostri, unâ cum sigillis nostris propriis, præsentibus sunt appensa. Datum apud Sconam, in pleno Parlamento domini nostri Regis tento ibidem, decimo-nono die mensis Octobris, Anno Domini 1378. Regni vero ipsius Domini Regis, octavo: Quam quidem Cartam, Confirmationemque in eadem contentas, in omnibus punctis, articulis, conditionibus, modis ac circumstantiis suis quibuscunque, forma pariter & effectui, in omnibus & per omnia approbamus,

bamus, ratificamus, & pro nobis & hæredibus nostris in perpetuum confirmamus, salvo servitio nostro. In cujus rei testimonium, præsentī Cartæ nostræ confirmationis, nostrum præcepimus apponi sigillum. Testibus venerab. in Christo patre, domino Willielmo, permissione Divina, S. Andreæ Episcopo; ac nobilibus viris ac potentibus, Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto de Fyfe & de Meneteth, filio nostro dilecto; Willielmo de Douglas & de Mar, consanguineo nostro, Comitibus; venerabili viro magistro Johanne de Peebles, Archidiacono S. Andreæ, Cancellario nostro; Jacobo de Lyndesay, nepote nostro carissimo, & Alexandro de Lyndesay, militibus. Apud Sconam, vicesimo-secundo die mensis Octobris, Anno Regni nostri octavo.

*Carta Davidis Regis, Roberto Senescallo Scotiæ, & Eufamiæ Sponsæ suæ. Ex Autographo. It is recorded in King David's Book, Fol. R. 51. and is the 253 Charter granted Anno 1370.*

**D**AVID, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus--- Sciatis nos dedisse, concessisse, & hac præsentī Cartâ nostrâ confirmasse carissimo nepoti nostro Roberto Senescallo Scotiæ, & Eufamiæ sponsæ suæ, totam Baroniam de Methfen, cum pertinentiis, infra Vicecomitatum de Perth; quæ quidem Baroniam, cum pertinentiis, fuit dicti nepotis nostri, & quam idem nepos noster, non vi aut metu ductus, nec errore lapsus--- in manus nostras sursum reddidit, pureque & simpliciter resignavit--- *Tenend. & Habend.* dicto nepoti nostro, & Eufamiæ Comitissæ Moraviæ, sponsæ suæ dilectæ, consanguineæ nostræ, & hæredibus dicti nepotis nostri legitimis quibuscunque, de nobis & hæredibus nostris, in feodo & hæreditate in perpetuum, per omnes rectas metas & divisas suas, in unam

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integram & liberam Baroniam --- Cum serviciis libere tenentium ejusdem, & advocacionibus Ecclesiarum ejusdem. *Faciendo* inde praedictus nepos noster, & Eufamia sponsa sua, & eorum alter diutius vivens, & haeredes dicti nepotis nostri, servitia nobis debita & consueta. In cujus rei testimonium, praesenti Cartae nostrae, nostrum praecepimus apponi Sigillum. Testibus, venerab. in Christo patribus, Willielmo & Patricio, Cancellario nostro, S. Andreae & Brechinen. Ecclesiarum Episcopis; Johanne Primogenito nepotis nostri, Comite de Carrick; Willielmo Comite de Douglas, Roberto de Erskyne & Willielmo de Deschynghon, militibus. Apud Edinbrugh, decimo-septimo die Septembris, Anno Regni nostri quadragesimo-primo.

*Carta Roberti II. facta Eufamiae Reginae, & Davidi Comiti de Stratherne, de Castro Lacus de Levyn. Ex Autographo. It is the 325 Charter of King David's Book, Fol. R. 66, and the 12th Charter of the first Roll of King Robert II. which is the 2d Roll of our Records. To be holden without any Service, Payment of Rent, Vassalage or Burden.*

**R**OBERTUS, Dei gratia, Rex Scotorum; Omnibus pro-  
bis hominibus suis, ad quos praesentes litterae pervenerint,  
Salutem. Sciatis nos dedisse, concessisse, & hac praesenti  
Carta nostra confirmasse *Carissimae Sociae nostrae Eufamiae Reginae Sco-  
tia*, Castellum nostrum *Lacus de Levyn*, cum pertinentiis; & ad  
sustentationem ejusdem Castri, terras infra-scriptas, viz. *Enachre,  
Castygowre, Glasloch, Bondland de Kynrofs*; cotagia & molendinum,  
ac annuos redditus hostilagiorum villae de *Kynrofs*; nec non ter-  
ram de *Culthuy*, duo *Tulliochys, Maucuych, Latharach, Comenaygne,  
Drumgarlet, Techyntulchy, Auchteveny, Marwerler*, & medietatem vil-  
lae



læ de Urwelle, Croftmartyn, Bracinam, Brochlach, & annuum redditum de Culcarny, cum pertinent. infra Vicecomitat. de Kynrofs. Tenend. & Habend. dictæ Eufamia sociæ nostræ, & carissimo filio nostro & suo, David Comiti de Stratherne, & eorum alteri diutius viventi, Castrum, Terras, Molendinum & annuos redditus supradict. cum pertinentiis, de nobis & hæredibus nostris, per omnes rectas metas & divisas suas --- libere, quiete, plenarie, integre & honorifice, bene & in pace; cum omnibus libertat. commod. ayfiament. & justis pertinentiis quibuscunque, tam non nominatis quam nominatis, ad præfatum Castrum, Terras, Molendinum, & annuos redditus spectantibus, seu iuste spectare valentibus in futurum, pro toto tempore vitæ dictorum Sociæ nostræ, & David filii nostri & sui, & cujuscunque eorundem--- In cujus rei testimonium, præsentibus, pro toto tempore vitæ dictorum Sociæ nostræ, & David filii nostri & sui, duraturis, nostrum præcepimus apponi Sigillum. Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andreæ & Brechinen. Ecclesiarum, Dei gratiâ, Episcopis; Johanne Primogenito nostro, Comite de Carrick & Senescallo Scotiæ; Roberto Comite de Menereth & Alexandro Senescalli, filiis nostris carissimis; Willielmo Comite de Douglas, consanguineo nostro; Johanne de Carrick, Canonico Glasghen. Cancellario nostro; Hugone de Eglintone & Roberto de Erskyne, militibus. Apud Edinbrugh, octavo die mensis Maii, Anno Regni nostri secundo.

*Carta 300, Roberti II. Davidi Senescalli, de Comitatu de Stratherne, Fol. R. 60 of King David's Book \**

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus --- Sciatis quod concessimus David Senescalli militi, Comitatum de Stratherne, cum pertinentiis:  
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\* This Book of King David's, so oft mentioned, is a large Quarto, composed of 66 Leaves of Vellum. It contains 325 curious Charters, whereof there are

*Tenend.* --- Quæ ad liberam Regalitatem pertinent, seu debent, secundum Regni leges & consuetudines, pertinere. Quare omnibus & singulis Comitatus prædicti, &c. faciant ab aliis temporibus futuris responderi. In cujus rei testimonium, præsentî Cartæ nostræ Sigillum nostrum præcepimus apponi. Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andreæ & Brechinen. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Menebeth, Alexandro Senescalli, filiis nostris carissimis; Willielmo Comite de Douglas, Johanne de Carrick, Canonico Glasguensi, Cancellario nostro; Alexandro de Lyndesay, Roberto de Erskyne, militibus, consanguineis nostris. Apud Perth, tertio die mensis Julii, Regni nostri Anno primo.

*'Tis transcribed verbatim in the same Book, Fol. R. 58. but wants the Witnesses.*

*Corta*

are 274 granted by King David the Bruys: The First is a Confirmation of a Charter of John de Graham; and the Last, a Liberty to the Bishops de *condendis Testamentis*, Fol. Versa 54. The rest, from the 55th Leaf to the 66th, contains 33 Charters granted by Robert II. the 1st and 2d Year of his Reign, and are correctly transcribed, for the most part, in his Rolls: The First being a Confirmation of the Lands of *Whitlade* to *Allan Lawedre*, Anno Regni primo. And the Last, a Grant of the Castle of *Lochevin* to Queen *Euphame*, Anno Regni secundo. The Book ends by *Officium Coronatoris infra Viscomitatum de Aire*, given *Hugoni de Rathe*, tanquam substituto domini *Johannis de Lyndesay de Thorisoun*, militis. Apud *Edinburgh*, nono die Aprilis, Anno Regni Regis secundo. They are writ in a very good Character; the first Page is spoiled and obliterate: It commences with King David's Concessions made the 33d Year of his Reign; so that his Charters of a more ancient Date are lost, and not recorded in our public Archives. The small and scattered Remains of this Register Book had been miserably destroyed, if they had not been carefully gathered together and drawn out of the Rubbish by Mr. *John Cors*, a Person of great Integrity, who caused them be handsomely bound, upon his own Charges, in Red *Russia* Leather, for preserving them from the Dust and Moist-

*Carta Roberti II. Davidi Senescalli, de Comitatu de Stratherne. It is the 301 Charter of King David's Book, Fol. R. 60 \*.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Sciatis quod concessimus *David Senescalli militi*, filio  
nostro carissimo, *Comitatum de Stratherne*, cum pertinentiis. *Tenend. & Habend.* sibi & hæredibus suis, in omnibus & per om-  
nia, juxta formam & tenorem Cartæ sibi exinde contextæ; & a-  
deo libere, quiete, plenarie, integre & honorifice, in omnibus &  
per omnia, sicut quondam *Malisus Comes de Stratherne*, vel ali-  
quis alius Comes ejusdem, ipsum Comitatum, cum pertinentiis,  
aliquo tempore liberius, quietius, plenius, integrius & honori-  
ficientius, juxta tenuit seu possedit; cum additione subscripta,  
Quod ipse & hæredes sui, dictum Comitatum, ac omnes alias &  
singulas terras, tenendas & tenementa, cum pertinentiis, quæ  
tenentur & tenebantur antiquitus de ipso Comitatu, ubicunque  
infra Regnum nostrum, habeant, teneant & possideant perpetuo  
in libera Regalitate, cum feodis & forisfacturis, & cum placitis  
quatuor punctorum Coronæ nostræ; & cum omnibus aliis & sin-  
gulis honoribus, libertat. commod. ayliament. & justis pertinen-  
tiis quibuscunque, quæ ad veram Regalitatem pertinent, seu de-  
bent, secundum Regni nostri leges & consuetudines, pertinere.  
*Reddendo ipse David & hæredes sui, de dicto Comitatu, cum per-*  
*tinentiis, unum par calcarium deauratorum, nomine Albafirmæ,*  
*apud Dulye, ad Festum Nativitatis B. Johannis Baptiste, annu-*  
*atim, si petatur tantum, pro warda, relevio, maritagio, ac om-*  
*nibus aliis & singulis servitiis sæcularibus, exactionibus seu de-*  
*manda, quæ de dicto Comitatu exigi poterunt vel requiri. Qua-*  
*re omnibus & singulis Comitatus prædicti, ac aliis & singulis*  
*quorum interest, vel interesse poterit, damus, pro nobis & hæ-*  
*red-*

redibus nostris, tenore presentium, in mandatis, quod dicto Comiti & heredibus suis, in hiis quæ ad liberam Regalitem pertinent, respondeant, & prout ad ipsos & ipsorum quemlibet pertinet, faciant ab aliis futuris temporibus responderi. In cuius rei testimonium, presenti Cartæ nostræ Sigillum nostrum præcepimus apponi. Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andree & Brechinen. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Meneteth, Alexandro Senescalli, filiis nostris carissimis; Willielmo Comite de Douglas; Johanne de Carrick, Canonico Glasgwen. Cancellario nostro; Roberto de Erskyne & Hugone de Eglintone, militibus, consanguineis nostris. Apud Methren, decimo-nono die Octobris, Anno Regni nostri secundo.

*Carta 91, Rotul. 4. Roberti II. facta Jacobo de Douglas de Lyddesdaile, filio suo.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Sciatis nos dedisse, concessisse, & hac presenti Car-  
ta nostra confirmasse dilecto filio nostro Jacobo de Douglas de  
Lyddesdaile, militi, filio carissimi consanguinei nostri Willielmi  
Comitis de Douglas & de Mar, ducentas marcas Sterling. pro  
servitio & retinentia suis, nobis, & carissimo Primogenito nostro  
Johanni Comiti de Carrick, Senescallo Scotiæ, impenso, & pro to-  
to tempore ipsius Jacobi, nobis & dicto filio nostro, nec non no-  
strorum diutius viventi, impendendo. *Tenend. Habend. & Perci-  
piend.* annuatim, eidem Jacobo & heredibus suis, de nobis & here-  
dibus nostris, in feodo & hereditate, in Burgo nostro de *Hadding-  
ton*, de magna custuma nostra, & nostris redditibus ejusdem Bur-  
gi, per manus Custumar. & Balivorum nostrorum dicti Burgi qui  
pro tempore fuerint, ad terminos *Pentecostes & S. Martini in hy-  
eme*, per æquales portiones. Et si per guerram vel alio eventu  
contingat, quod ibi deficiat, alibi in Regno nostro per manus  
Camerarii nostri qui pro tempore fuerit, libere, quiete, bene &

in



in pace, quousque per nos vel hæredes nostros, dictus Jacobus  
 vel hæredes sui, de ducentis marcatis terræ, in loco competenti  
 hæreditarie fuerint infeodati. *Quare* dictis Custumariis, & Balli-  
 vis nostris dicti Burgi nostri qui pro tempore fuerint, & Came-  
 rario nostro, in dicto eventu, qui pro tempore fuerit, damus,  
 tenore præsentium, firmiter in mandatis, quatenus dicto Jacobo  
 & hæredibus suis, dictas ducentas marcas Sterlingor. annuatim,  
 medio tempore, sine difficultate persolvant; quas sibi in compo-  
 sitis suis annuis, volumus & præcipimus per præsentem plenius al-  
 locari. Volumus etiam, quod si dicti Custumarii habeant de  
 nostris sufficienter ad satisfaciendum sibi ad dictos terminos, &  
 super hoc requisiti, noluerint hoc facere, requirat Camerarium  
 nostrum qui pro tempore fuerit; & si nec Camerarius, sic requi-  
 situs, sibi satisfaciatur, ex tunc liceat sibi distringere ipsos Cultu-  
 marios nostros qui pro tempore fuerint, quousque dicto Jacobo  
 vel hæredibus suis plene fuerit satisfactum. In cujus rei testi-  
 monium, præsentem Cartæ nostræ nostrum præcepimus apponi  
 Sigillum. Testibus venerab. in Christo patribus, Willielmo &  
 Johanne, Cancellario nostro, S. Andreæ & Dunkeld. Ecclesiarum  
 Episcopis; Johanne Primogenito nostro de Carrick, Senescallo  
 Scotiæ; Roberto de Fyfe & de Meneteth, filio nostro dilecto;  
 Willielmo de Douglas & de Mar, consanguineo nostro, Comiti-  
 bus; Jacobo de Lyndesay, nepote nostro carissimo, & Alexandro  
 de Lyndesay, consanguineo nostro, militibus. Apud Edinbrugh,  
 quinto-decimo die mensis Maii, Anno Regni nostri decimo.

*Carta 3, Rotul. 7, Roberti II. Willielmo de  
 Dowglas, & Ægidie Sponsa sua, de 300 Lib.  
 Sterlingor.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
 bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
 tem. Sciatis nos dedisse, concessisse, & hæc præsentem Car-  
 ta nostra confirmasse dilecto & fideli nostro Willielmo de Dow-  
 las.

Ias militi, filii domini Archibaldi de Dowglas militis, domini  
 Galwidaie, consanguinei nostri, & Ægidiae carissimae filiae no-  
 strae, in matrimonium inter ipsos Willielmum & Ægidam legit-  
 time faciendum, trecentas libras Sterlingor. exeunt. & percipi-  
 end. dictis Willielmo & Ægidiae, eorumque diutius viventi, &  
 hæredibus inter ipsos legittime procreandis, de magna Custuma  
 nostra quatuor Burgorum nostrorum de Edinbrugh, Lithcw, Dun-  
 de & Aberdene; & deficiente de uno Burgorum dictorum, ca-  
 piendo totalem summam de cæteris tribus Burgis prænominatis;  
 deficiente autem de tribus, capiendo totalem de reliquis duo-  
 bus Burgis; deficiente utique de duobus, capiendo totale de quar-  
 to eorum; deficiente vero de ipsis quatuor Burgis, capiendo to-  
 tale de residuis Burgis nostris ubi sibi melius videbitur expedi-  
 ens, in feodo & hæreditate in perpetuum, libere & quiete, quo-  
 usque nos vel hæredes nostri infeodaverimus vel infeodaverint,  
 ipsos *Willielmum & Ægidiam*, & eorum diutius viventem, ac eo-  
 rum hæredes inter ipsos legittime procreandos, de trecentis libra-  
 tis terræ in convenienti loco. Quibus tamen Willielmo & Ægi-  
 dia, & eorum hæredibus procreatis forsan deficientibus, quod  
 absit, tam trecentæ libræ, quam dictæ trecentæ libratae terræ, ad  
 nos & hæredes nostros plenarie & libere revertantur. In cujus  
 rei testimonium, præsentī *Cartæ* nostræ Magnum Sigillum nostrum  
 apponi præcepimus. Hiis testibus; venerab. in Christo patribus,  
 Willielmo & Johanne, Cancellario nostro, Dei gratiâ, S. Andreæ  
 & Dunkelden. Ecclesiarum Episcopis; Johanne Primogenito no-  
 stro, Comite de Carrick, Senescallo Scotiæ; Roberto de Fyfe &  
 de Meneteth, Jacobo de Dowglas, filiis nostris carissimis; Ar-  
 chibaldo de Dowglas & Roberto de Erskyne, militibus, consan-  
 guineis nostris dilectis. Datum apud Sconam, die vicesimo-sexto  
 mensis Decembris, Anno Regni nostri quinto-decimo.

*Carta*

*Carta Roberti II. facta Jacobo de Sandylandis,  
de terris de Moderwalle, &c. Ex Autographo.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Sciatis nos dedisse, concessisse, & hac præsentī Car-  
ta nostra confirmasse dilecto & fideli nostro Jacobo de Sandylandis militi, Baroniam de Dallyel & de Moderwalle, Baroniam de Wiston, cum pertinentiis, infra Vicecomitatum de *Lanark*; terras de *Ochterbannock* & de *Ochbeset*, & de *Slamanameure*, cum pertinentiis, infra Vicecomitatum de Strivelyne; quæ fuerunt dicti Jacobi, & quas dictus Jacobus, non vi aut metu ductus, nec errore lapsus, sed mera & spontanea voluntate sua, sursum reddidit & resignavit. *Tenend. & Habend.* eidem Jacobo, & Johanne filie nostræ carissimæ, quam idem Jacobus, Deo duce, ducet in Uxorem, & eorum alteri diutius viventi, ac hæredibus inter ipsos legitime procreandis; quibus forte deficientibus, hæredibus dicti Jacobi legitimis quibuscunque, de nobis & hæredibus nostris, in feodo & hæreditate, per omnes rectas metas & divisas suas; cum omnibus & singulis libertat. commoditat. ayfament. & justis pertinent: quibuscunque ad dictas Baronias & terras, cum pertinentiis, spectantibus, seu juste spectare valentibus in futurum; adeo libere & quiete, plenarie, integre & honorifice, in omnibus & per omnia, sicut dictus Jacobus, dictas Baronias & terras, cum pertinentiis, de nobis, ante resignationem suam nobis exinde factam, liberius & quietius, juxta tenuit seu possedit: *Faciendo* inde servitia debita & consueta. In cujus rei testimonium, præsentī Cartæ nostræ nostrum fecimus apponi Sigillum. Testibus venerab. in Christo patribus, Willielmo & Johanne, S. Andreae & Dunkelden. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Fyfe & de Meneteth, filio nostro carissimo; Jacobo Comite de Dowglas, filio nostro prædilecto; Archibaldo de Dowglas & Roberto de Erskyne, militibus, consanguineis nostris. Apud

P

Edin-

Edinbrugh, vicesimo die Novembris, Anno Regni nostri quarto-decimo.

*The Seal, white Wax, on a Tague of Parchment; On one Side, the King A-horse-back, his Sword in one Hand, and his Shield in the other; Bearing, a Lyon Rampant within a double Tressure, fleurie and counter-fleurie: On the Reverse, the King in his Seat of Justice.*

*Carta Roberti II. facta Jacobo Sandylandis, de Castriwarda de Caldore. Ex Autographo.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro his hominibus totius terrae suae, Clericis & Laicis, Salutem. Sciatis nos dedisse, concessisse, & hac praesenti Carta nostra confirmasse dilecto filio nostro Jacobo de Sandylandis \* militi, illos quadraginta solidos Sterlingor. nobis debiti sive exeuntes pro Castriwarda Baroniae de Caldore. *Tenend. & Habend. eidem*

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\* The first Lands I find granted to this Family, in the Charter-chest of Terphiphen, are those of Craglokard and Stanipeth, given Jacobo de Sandylandis by King David; and upon his Resignation thereof, he obtained of that Prince, annuos redditus, debitos sive exeuntes de Horsebruk & de Heschelys, infra Vicecomitatum de Peebles, quousque sibi de tanta terra fuerit in loco competenti provisum. The Charter is dated at Lanark, sexto die Octobris, Anno Regni sui septimo-decimo. Willielmus de Dowglas, Dominus loci ejusdem, gives Jacobo de Sandylandis, Armigero suo dilecto & fideli, pro hominagio & servitio suo, omnes terras del Sandylandis & del Rydnure, cum pertinentiis, infra dominium suum Vallis de Dowglas, cum orientali parte terra de Pollynseygh, prout aqua de Dowglas currit, ascendendo ad duas arbores de Byrks, ex occidentali parte de Halleford, ex opposito del Haynyngschaw, quae est infra Baron. de Lesmahagow, &c. Apud Castrum de Edinbrugh, die Jovis proxima ante Festum Natalis Domini, Anno Gratia 1348. The same William Dowglas, design'd as before, grants Jacobo de Sandylandis, & Eleonora de Bruys, sorori suae, totam Baroniam de Westercaldore, cum omnibus suis pertinentiis, in liberum maritagium. Testibus, venerabili in Christo Patre Domino Thoma, Dei gratia, Abbate Sanctae Crucis de Edinbrugh; Thoma Senescalli, Comite de Angus; Domino David de Lyndesay, Domino de Crawfurd; Willielmo de Dowglas, Domino Vallis de Liddale, Domino Andrea de Dowglas & Domino Johane de Douglas, militibus;



eidem Jacobo & Johannaë Sponsæ suæ, filiaë nostræ carissimæ,  
& eorum alteri diutius viventi, hæredibusque inter ipsos legir-  
time

litibus; & Domino Richardo Smalle, Rettore Ecclesiæ de Rachaw, & multis aliis. The Seal Red, upon white Wax, on a Tague of Parchment; in a Shield, a Hart not crowned; on the Chief, 3 Mollets; the Counter-seal on the Back not discernable. This Gift is confirmed by Duncan Earl of Fife, and King David. The Last's Charter is dated, *Apud Dundee, in Parlamento suo ibidem tento, quinto decimo die Maii, Anno Regni sui vicesimo primo.* About the Beginning of the Reformation, Sir James Sandylandis, a Son of this House, Lord St. John, finding the original Foundation of Torphipphen to be abrogate and cancelled, by the Act of Parliament in 1560, resigned that Preceptory, the chief Residence of the Knights of the Order of St. John of Jerusalem, and Temple of Solomon in Scotland, in Q. Mary's Hauds, *ad perpetuam remanentiam*, and upon a reasonable Composition, got that Military Benefice erected, in his Favours and to his Heirs and Assignies, by her Highness, in a Temporal Lordship, composed of the Baronies of Torphipphen, Liston, Balmrodo, Tankertoun, Denny, Maryculter, Stanhop and Galtna, lying within the Sherifdoms of Edinburgh, Peebles, Lithgow, Strivelyne, Lanark, Kilmardine, and Stewartry of Kirkudbright; *Cum libera Capella & Cancellaria, infra bondos dictarum terrarum, & advocacionibus & donationibus Ecclesiarum, Capellaniarum & Beneficiorum dictarum terrarum & Baroniarum;* With the Teinds and Patronage of the Vicarage of Maryculter, of the Kirks of Tulloch and Aboyne in the North, and of the Churches of Inchin and Torphipphen. The whole Baronies and Lands before specified, were united and incorporate into one Body, calld *The Barony & Lordship of Torphipphen*, the 24th of January, 1563, and the 22d Year of his Reign, for Payment of 500 Merks of Fen-duty yearly to his Majesty, *per aequales portiones, ad duos anni terminos, pentecostes & S. Martini in hyeme, nomine Feodifirmæ annuatim; nec non summam decem millia scutorum aureorum solarium, vulgari appellatione, Crowns of the Sun nuncupat.* The last Sum was borrowed from Timothy Curneoli an Italian Gentleman of the Preceptor's Acquaintance at Genoa, and a Banker of the House of Bonvizi, Resident for the Time in Scotland, and paid at divers Terms, partly upon her Majesty's Precepts to her Servants, the French Paris, Sir Robert Melvin, Sir James Balfour and Captain Anstruther; and partly to Mr. Robert Richardson, Treasurer for the Time, whereof there is a Receipt under the Privy Seal. This Sir James had been Usher to Queen Mary of Lorraine and her Daughter, and employed by the Latter in divers weighty Affairs, and at two or three Times chosen Ambassador to divers Sovereign Princes. He died without Issue, and his Honours and Fortune were devolved to James Sandylandis of Calder, his Grand-nephew; of whom is lineally descended the Right Honourable James Sandylandis, present Lord Torphipphen, whose Predecessors, Preceptors thereof, were plac'd *inter Proceres*, on the Temporal Side, in all Parliaments since King James III. as the Extract of the Parliament Rolls since that Time, under the Clerk Register's Hand, doth clearly justify.

time procreatis seu procreandis; quibus forte deficientibus, hæredibus dicti Jacobi legitimis quibuscunque, de nobis & hæredibus nostris, in feodo & hæreditate in perpetuum. *Reddendo* inde nobis annuatim dicti *Jacobus & Johanna*, & eorum diutius vivens, hæredesque ut præfertur, unum denarium argenti, nomine *Albafirma*, si petatur tantum, pro omni alio servitio, exactione seculari seu demanda, quæ per nos vel hæredes nostros de dicta Castriwarda aliququaliter exigì poterunt seu requiri. In cujus rei testimonium, præsentì Cartæ nostræ Sigillum nostrum præcepimus apponi. Testibus venerand. in Christo patribus, Willielmo & Johane, Cancellario nostro, S. Andreæ & Dunkeld. Ecclesiarum Episcopis; *Johanne Primogenito nostro*, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth, filio nostro dilecto; Jacobo de Douglas, consanguineo nostro, Comitibus; Archibaldo de Douglas & Roberto de Erskyne, militibus, consanguineis nostris. Apud Caldore, vicesimo-quarto die Maii, Anno Regni nostri quinto-decimo.

[*The Seal as before, white Wax on a Tague of Parchment*]

Having then shewed, That the Child procreate *extra justas nuptias* is unlawful; and that a Bastard is not legitimate by a subsequent Marriage, nor allowed to succeed, by the express and fundamental Laws of our Nation, whereof I have adduc'd a convincing Proof, P. 6, and consequently, cannot assume the vain, empty and insignificant Name of *Heir*, since he is debarr'd, by our Custom and Constitutions, from the Succession: It follows, That he cannot approve nor confirm the Rights and Privileges granted by the Prince or his Father; which Formality, being necessary for completing the legal Being of a Charter, would be of no Force, if done by a Child unlawfully begotten. Whereupon I have asserted, That *John Earl of Carrick* was Lawful Son to King *Robert*, since he is acknowledged at *Scoon* in a Parliamentary Meeting, Anno 1371, *nemine contradicente*, and elsewhere, by many reiterated Acts, for undoubted Heir and Successor. That he confirms, as eldest Son, his Brethrens Infeudments, and is conjunct Disponer with his Father, to his Deeds,  
and

and approves or attests all Grants made to Queen *Euphame*, to her Children or her Sons in law. In all which he is stil'd *Magnificus Dominus. Frater. noster. Vir Potens & Nobilis.* and *Primogenitus.*

In pursuing of my Design, it will not be improper to observe, That the very Notion we have of the last Designation implies, in its formal Conception, an essential and inhering Right to the Succession; so that whosoever is invested therewith, is understood to have, above all others in the same Line, and *a fortiori*, in a remoter Degree, an hereditary Title to the vacant Estate; which Prerogative cannot be altered, upon any Pretence whatsoever, nor suspended by any Act or Disposition to the contrary; and consequently, supposes him to be lawfully begotten. Hence *James II.* declares null all Gifts made, without a sufficient Warrant, by *John Swift* Burgess of *Edinburgh*, in favours of his younger Children, because they destroyed the Rights which belonged inseparably to his eldest Son and Heir upon his Estate: As is clear from the following Charter.

*Carta 108 Jacobi II. Fol. R. 60, Lib. 6.*

**J**ACOBUS, Dei gratiâ, Rex Scotorum; Universis & singulis Ligiis & Subditis nostris, ad quorum notitias præsentis litteræ pervenerint, Salutem. *Quia* intelleximus quod *Johannes Swift*, burgensis burgi nostri de *Edinburgh*, certas Cartas & Litteras Talliæ, de certis tenementis & terris jacent. in burgo nostro de *Edinburgh*, sua propria autoritate, absque nostra confirmatione, consensu & licentia, certis prolibus ipsius quondam *Johannis*, fratribus & sororibus *Thomæ Swift* fecit, concessit & deliberavit, cum Saisina inde facta; in nostri & successorum præjudicium, ac in exheredationem *Thomæ Swift*, filii sui & hæredis, ipsiusque dampnum non modicum & gravamen: *Vobis* igitur universis & singulis Ligiis & Subditis nostris quorum interest, declaramus per præsentis, dictas donationes, concessiones, infeodationes, tallias & saisinas, alias factas per prædictum

dictum Johannem Swift, suis prolibus prædictis, in dicti Thomæ sui filii & hæredis exhæredationem, invalidas esse, & nullius roboris aut momenti fore in futurum. Datum sub Magno Sigillo nostro, apud Edinburgh, penultimo die mensis Februarii, Anno Domini, Millesimo quadringentesimo quinquagesimo-octavo, & Regni nostri, vicesimo-tertio.

*William Earl of Orkney and Cathness*, having also incest Sir *Oliver Saintclair* of *Roslin*, his Son of a 2d Marriage, begotten on *Marjory*, Daughter to *Alexander Sutherland* of *Dumbeth*, in all his Baronies lying within the Sherifdoms of *Edinburgh*, *Fife* and *Stryvelyne*, to the Prejudice of *William Saintclair* of *Newbrugh*; his eldest Son of the first Marriage, begotten on *Elizabeth*, Daughter to *Archibald Earl of Douglas*, Lord *Galloway* and *Annandale*, Widow to *John Earl of Buchan*, Constable of *France*, who was Son to *Robert Duke of Albany*, Governor of *Scotland*: It was sustained by *Newbrugh*, post excessum Patris, That the Disposition made by his deceas'd Father was null, imo, In respect he was the only Child that had the undoubted Title to those Lands, by the Common Law, as being Heir to the deceas'd Earl, and so could not be prejudged by any private Deed, made in Behalf of the younger Children; since the Collector of our *Regiam Majestatem*, Lib. 2, Cap. 27, Art. 2, de successione filii ad patrem, expresses himself thus: *Si pater fuerit miles, tunc eo casu, ejus filius primogenitus succedit in totum; ita quod nullus fratrum suorum partem inde, de jure, petere potest.* 2do, That in the greatest Rigour, and even stretching the Law, his Father was only allowed, by the 22d Chap. Art. 2, to give filius postnatis, id est, post primogenitum natis, partem rationabilem de hæreditate sua, cum consensu hæredis: Whereas he had granted to Sir *Oliver* the whole Bulk of his Estate, lying, as said is, in *Fife*, and towards the South of the *Forth*, without his Consent; and that by that means he had deprived him of his Right to the Succession: Which was his 3d Exception. Which Right could no more have been abstracted from the Heir, than the Roundness from a Boul or a Sphere; according to the 20 Chap. Art. 1, *Non licet filium exhæredare.*

At-



After some Replies and Duplies made by the Advocates, the Lands in debate were divided, by the Agreement of both Parties, under Form of Instrument; whereby Sir *Oliver* and his Heirs, resigned and gave over to *William* Lord *Saintclair* of *Newburgh*, his elder Brother, and his Heirs, all and haill the Lands of *Cowsland*, with their Pertinents, lying within the Sheriffdom of *Edinburgh*; and his Lands of *Dysart*, within the Barony of the same; with the Lands of *Ravensraig*, and Castle of the same; the Lands of *Dubbo*, *Carberry* and *Wilstoun*, lying in *Fife*; Patronages or Kirks and Chaplainries, Office of *Bailiery*, &c. To remain heritably with the said *William* and his Heirs perpetually. And on the other hand, *William* of *Newburgh*, design'd *Primogenitus & Haeres Magnifici & Potentis Domini, Domini Willielmi Comitis Orcadiae & Cathaniae*; and his Son *Henry*, likewise call'd *Primogenitum & Haeres apparens dicti Willielmi, Domini de Newburgh*; renounce their Interest to the Baronies of *Roslin*, the Castle of the same, and Patronage of the College, or Provostry, to the Lands of *Pentland*, *Pentlandmure*, *Morton* and *Mortonhall*, and to the Barony of *Harbarshire*. And both of them bind themselves to stand by one another, under the Penalty of 5000 *L.* whereof 3000 *L.* were payable to the King, and 2000 *L.* to the Archbishop of *St. Andrew's*, *nomine paene*, within 40 Days; as also under the Penalty of Infamy and Inhability, and of being men-sworn Men, they having sworn on the Holy Evangils the Performance of the foresaid Articles. And it is thereby declared, That Sir *Oliver* shall worship and honour the said *William*, as effeirs and accords him to do to his eldest Brother. And if there happen any Plea or Contestation betwixt the said *William* of *Newburgh*; and *William* his younger Brother (of the 2d Marriage) for the Earldom of *Cathness*, the said Sir *Oliver* shall stand neuter betwixt them, as he should do betwixt his Brethren, and take no Part with either of them during the Quarrel. The Agreement is dated the 9th of *February*, 1481. Witnesses, *William* Archbishop of *St. Andrew's*, *Andrew Stuart*, Lord *Avandale*, Chancellor of *Scotland*; *Colin* Earl of *Argyle*, *John* Earl of *Athole*, *William* Bishop of *Ross*, *Andrew Stuart* Provost of *Lincoudan*, Mr. George

George Carmichael, Treasurer of Glasgow, Alexander Lumisden, Receiver of Flisk, and Alexander Borthwick, Clerk of St. Andrew's And sealed with the Seals of the Archbishop of St. Andrew's, the Chancellor's and Argyle's : And subscribed by the public Notars. This Agreement is ratified the 18th of February, 1481. Whereupon Henry Lord Saintclair, Son to William Lord Newbrugh, in the first Parliament of King James IV. begun at Edinburgh Die Luna, sexto die mensis Octobris, and continued; is declared Chief of the Blood, Lord Saintclair, and Heir to the Earl of Orkney and Lord Newbrugh, the 14th of January. The A& is recorded in the Lower House, Folio Verso 113, in the following Terms :

“ Item, Anent Sir Henry Saintclair, That our Sovereine Lorde,  
 “ with Advyce and Delyverance of the Estaitis of his Parlia-  
 “ ment, Declares, That sene the said Sir Henry's Grandschire  
 “ and Faider, Lords Saintclair, for the Tyme are deceffit, and  
 “ the said Sir Henry richwise Heretor to thaim; that he is Chef  
 “ of that Blude; and will therefor that he be callit Lord Saint-  
 “ clair in Tyme to cum; with all Dignities, Emenents, Privi-  
 “ legis, Tenands, Tenandriis belonging thairto, efter the Forme  
 “ of Chartars and Evidents made thairupon.

Whereby 'tis plain, that the Designation of *Primogenitus*, which is only properly applied to the eldest Child lawfully begotten, implies an undoubted Right to the Succession, so that none can succeed as long as he is alive; but if he comes to fail, leaving no Heirs *de corpore suo legitime procreatis*, then the Succession falls of course to the elder Brother remaining, *qui aequali intervallo a stipite, five communi parente, distat; deficientibus vero qui ex recta linea descendant, ut supra, tunc hæredes collatorales veniunt ad hæreditatem, habita tamen distinctione aliqua proximitatis*: As we shall see afterwards.

Upon

Upon which Account, Sir James Douglas of Heriotmur was proclaim'd Earl, after his Brother had been stabb'd with a Dagger in Stryvelyne Castle, Anno 1452, because he had been declared elder Brother to Archbald Earl of Murray, his Competitor, and consequently Heir to Earl William, by the Decreet of the Official of Lothian, to whom the Debate was referr'd, in 1447. The Story, which is not noticed by Hume of Godscroft, is set down in the 4th Book of our Records, Fol. R. 57. Num. 95. as follows.

*Carta 95, Jacobi II. Confirmationis Jacobi de Douglas, & Archibaldi Comitis de Moravia, super certis indenturis & decretis inter eodem factis; presente Will. Com. de Douglas\*.*

**J**ACOBUS, Dei gratia, Rex Scotorum; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem. Sciatis nos duas litteras; unam vid. litteram Indenturæ, factam inter dilectos consanguineos nostros, Archibaldum Comitem Moraviæ, ex parte una, & Jacobum de Douglas, fratrem germanum dicti Comitis, ex parte altera; & aliam litteram, Decreti & Declarationis dilecti Clerici nostri Magistri Nicholai de Otterburne, Officialis Curie Sancti Andreæ, infra partes Laudoniæ, nostri Secretarii; de mandato nostro visas, lectas, inspectas & diligenter examinatas, sanas, integras, non raras, non cancellatas, nec in aliqua sui parte suspectas, ad plenum intellexisse: Quorum tenor Indenturæ sequitur in hunc modum:

“ Yis Indenture, made at Edinbrugh ye 25th Daye of August,  
 “ ye Yher of God 1447 Yhers, betwix nobil and mytti Men,  
 “ Archbald of Douglas Erle of Murraue, on ye ta parte, and James  
 R “ of

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\* William Earl of Douglas was Son to James Earl thereof and Beatrix Saintclair, Daughter to Henry Saintclair of Roslin, and Earl of Orkney. He was Brother

“ of Douglas of Heriotmure, Broyr German, on ye toyr parte,  
 “ befoir a ryt worschipful and mytti Ladye, ye Countesse of  
 “ Dou-

ther to James Douglas of Heriotmure, Archbald Earl of Murray, Hugh Earl of Ormond, and John Lord Balveny. He married, with great Pomp and Solemnity, Margaret Daughter to Archbald Earl of Douglas, by the Approbation of the King and Parliament, not so much in respect of her Beauty as her Fortunes, and had the Lands, not tailzied, in Galloway, Annandale, Balveny and Ormond, falling from the Heirs Male, to be her Portion; ratified to him in an Assembly of the Three Estates, conven'd at Edinburgh the 11th of February, 1449. As is clear from a Charter of King James II. recorded in the Registers, Fol. Ver. 62, Num. 105; Lib. 4. Which begins the 20 of December, and ends the 27th of June, 1452.

“ Jacobus, Dei gratia, Rex Scottorum; Omnibus probis hominibus suis ad quos presentes Littera pervenerint, Salutem. Sciatis quod concessimus, coram Tribus Regni nostri Statibus, in pleno Parlamento nostro tento apud Edinburgh, Anno & mense subscriptis; ac concedimus per presentes, carissimo consanguineo nostro Willielmo Comiti de Douglas & Avandale, & suis assignatis, pro suo fideli servitio nobis impenso & impendendo, maritadium Margareta de Douglas, consanguinea nostra, filia quondam Archibaldi Comitis de Douglas; cum universis & singulis terris, redditibus, firmis & possessionibus, qua ad maritadium ipsius, iuste & secundum leges Regni debent pertinere. Quare universis & singulis quorum interest vel interesset poterit, stricte precipiendo mandamus, quatenus dicto Willielmo & suis assignatis, in omnibus & singulis dictum maritadium tangentibus sint intendentes & respondentes, sub omni pena qua competere poterit in hac parte. Remissimus etiam, ac per presentes remittimus, prefato Willielmo Comiti de Douglas, pro suis benemeritis, ac pro pluribus continuis servitiis nobis hactenus multipliciter impensis, omnes & singulas summas wardarum, releviorum, albarum firmarum, eschaetarum, curiarum, arragiar. ac proventuum & commoditatum, ratione warda vel relevii, quarumcunque terrarum pertinent. prefato Willielmo Comiti, nobis aut predecessoribus nostris spectant. seu ad quas nos vel heredes nostri habuimus, vel habere potuissimus, aut in futurum habere poterimus juris titulum, vel clameum aliquod, quacunque ratione, ante legitimum introitum dicti carissimi consanguinei nostri Willielmi Comitis de Douglas, in terris sibi pertinent. usque in diem consecutionis presentium litterarum; quas summas, de ipso aut patre suo, vel predecessoribus suis potuissimus clamasse quacunque ratione. De quibus quidam summis pramissis, fateamur nos esse solutos & contentos, prefatumque carissimum consanguineum nostrum, suos heredes, executores & assignatos, de summis, proventibus, redditibus & commoditatibus prefatis, pro nobis, heredibus & successoribus nostris, quietos clamamus in perpetuum. Datum sub Magno Sigillo nostro, apud Edinburgh, undecimo die mensis Februarii, Anno Domini 1449, & Regni nostri decimo-tertio.

He was a profess'd Enemy to the Crichtons and Livingstons, who were then Rulers; by whose Contrivances he perished in 1452.



“ Douglas and of *Avandale*; and also in ye Presence of a hee  
 “ and a mytti Lorde, *William Erle of Douglas* and of *Avandale*,  
 “ Lorde of *Galway*, &c. And of yar Consent and Ordainance,  
 “ it is accorditt betwix ye said Partiis, in Fourme and manir  
 “ after fallowand: Yat is to say, Yat ye forsaide *Archbald* and  
 “ *Jamys* ar oblist, and be yir Indenturs oblis yaim, the Haily  
 “ Evangil twichit leleli and treuli, but Fraude or Gyle, Cavi-  
 “ lation, Exception, Contradi&ion or Dissate; yat yai sal stande  
 “ and abyde at ye Ordainance, Delyverance, Determination  
 “ and Decrete of ye said Lorde, Erle of *Douglas*, of his Mo-  
 “ der, and yair Consule; quhilk of yam, be ye said Lorde and  
 “ his Consule forsaide, is declaritt first borne, yat ye toyer of  
 “ yam, in tyme cumin, sal evermare, for him, his Ayrs and  
 “ his Successours, hald firme and staible ye said Determination,  
 “ Delyverance, Ordainance and Decrete; and nevir, in na tyme  
 “ revok, againsay or withstande ye said Delyverance, in privie  
 “ or in apertè, in ye Lawe or be ye Lawe, na clame to the He-  
 “ ritage, na in na pairt of it in ye contrar of ye said Decrete  
 “ and Declaration of ye said Lorde, Erle of *Douglas*, and of his  
 “ Consule: Renunciand in yis pairt eyer of ye said Pairts, all  
 “ Privilegis of Lawe, Lettres, Bulles of ye Pape or Cardinals,  
 “ and Statuts of ye Kynryk, ye quhilks myt profit til ony of  
 “ ye said Pairts, or be schaitful or hyndering to ye toyer of  
 “ yaim, or yair Airs, or engendre prejudyce. And attour  
 “ it is accordit, Yat ye said Partiis are submittit, and submits  
 “ to ye said Lorde and his Consule, in ye Distribution of any  
 “ Lands, Possessions, or Gudes movabil or unmovabil quhatso-  
 “ mever it be pleasand to him for to gif or distribut, gif it sal  
 “ happyn ye said Lorde Erle to decesse withoutyn Ayrs of his  
 “ Body lauchfullie to be gottin, or any yrar yat emplese, or  
 “ may emplese to him; and nevir in tyme to cum, be yam  
 “ na be yair Airs, na nane uyirs in yair Naim, in Jugement, na  
 “ utouth, privily or in apert, for to withstand or againsay ye  
 “ forsaide Ordainance, Delyverance, Distribution or Gyft; bot  
 “ firmly to byde yairat, but Fraude or Gyle, or ony Excep-  
 “ tion. And attour, ayer of ye said Partiis is oblist to the  
 “ said

" said Lorde, yat yai sal mak and seale al and findrie Evidents  
 " and Obligations til uyeris yat sal be sene spedeful to ye said  
 " Lorde and his Consule, and his said dereft Moder, quhat tyme  
 " yat be yaim ony of ye said Partiis be requirit yairto. Ye  
 " quhilk Conditions and Poynts, al and findir befor writtin,  
 " leleli and treuli to kepe, but Fraude and Gyle, as said is, ye  
 " Haly Evangel twichit, baith ye said Partiis, in Presence of al  
 " and finder ye Petsons underwrytin, has given bodaly Aith.  
 " In witnising of ye quhilk thing, the Sele of ye said Archibald  
 " and Jamys enterchangiblie ar put to yir Indenturs, togidder  
 " with ye Sele of ye said hee and mytti Ladie, and of ye said  
 " Lorde Erle of Douglas, of Alexander Erle of Crawfurd, Alexan-  
 " der Lorde Montgumerie, Laurence Lorde Abernethie in Rothemey,  
 " John Lorde Lindeysay of ye Byers, Mastir Jamys Lindeysay Person  
 " of Douglas, Robert Flemyng Lorde of Cumbernald, Thomas of  
 " Cranston of yat Ilk, Sir John Wallace of Cragie, Sir Jamys Ach-  
 " inleck of yat Ilk, Knights; John of St. Michael, and Jamys of  
 " Parkle, of ye said Partiis, in wytnising of ye forsaid Thyngs,  
 " instantly procurit, ye Yere, Daye, Moneth and Place befor  
 " wryttin. Ye comon Sele of Edinbrugh, and the Official Sele of  
 " Lothian, as said is, procurit, heirto are put.

Alterius vero Litteræ Decreti, præfati magistri Nicolai de Ot-  
 terburne, tenor sequitur, sub hac forma. *Universis sanctæ matris*  
*Ecclesiæ filiis, ad quorum notitias præsentis litteræ pervenerint,*  
*Nicholaus de Otterburne, magister in artibus, licentiatus in decretis,*  
*Canonicus Ecclesiæ Glasguen. ac Officialis curiæ Sancti Andree,*  
*infra partes Laudoniæ, Salutem in omnium Salvatore. Noverit*  
*universitas vestra, quod nobilem virorum, Jacobi de Douglas &*  
*Archibaldi \* de Douglas, Comitis de Moravia, fratrum germano-*  
*rum & gemellorum, inter quondam bonæ memoriæ Jacobum, o-*  
lim

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\* This Earl Archibald followed his Brother the Earl of Douglas in all his In-  
 cursions: At last, in an Inroad made upon the West Marches, he was slain at  
 Arkinholme, where the Earl of Ormond was taken Prisoner; Douglas, with the  
 Lord Balveny escaping, with great Difficulty, into a Forest. Part of Murray's  
and

lim Comitem de Douglas, & dominam Beatricem, ejus sponsam  
genitorum, de ortu priori nonnullis dubitantibus; ac propterea  
comparentibus coram nobis pro Tribunali sedent. magnifico &  
S po-

and Ormond's Lands were given by King James II. to the Scot and Batifon, who were present at the Skirmish; as we are informed by the following Charters:

*Jacobus, Dei gratia, Rex Scotorum; Omnibus --- Sciatis nos dedisse, concessisse, & hac presenti Carta nostra confirmasse dilecto nostro Waltero Scot de Kirkurde militi, pro suo fideli servitio nobis impenso & impendendo, & pro eo quod interfuit in confictu de Arkinholme, in occisione & captione nostrorum rebellium, quondam Archibaldi & Hugonis de Douglas, olim Comitum Moravia & Ormondia, & aliorum rebellium nostrorum in eorum comitiva existentium, ibidem captorum & interfectorum; totas & integras terras de Albintoune, Phareholme & Glengonaryg, cum pertinentiis, jacent. in Baronia de Crawfurde-John, infra Vicecomitatum nostrum de Lanark. Tenend. & Habend. totas & integras predictas terras, cum pertinentiis, predicto Waltero, heredibus suis & assignatis, de nobis, heredibus & successoribus nostris, in feodo & hereditate in perpetuum; per omnes rectas metas suas antiquas & divisas, prout jacent in longitudine & latitudine; in boscis, planis, moris, marefisis, viis, aquis --- & cum curiis & earum exitibus, herezeldis, blude-wittis & merchetis mulierum; ac cum omnibus aliis & singulis libertatibus --- ad predictas terras, cum pertinent. spectant. seu juste spectare valentibus quomodolibet in futurum; libere, quiete, plenarie, integre, honorifice, bene & in pace, sine aliquo retinemento, seu obstaculo quocunque, Faciendo inde annuatim dictus Walterus, heredes sui & assignati, nobis, heredibus & successoribus nostris, servitia de dictis terris debita & consueta. In cujus rei testimonium, presenti Carta nostra, magnum Sigillum nostrum apponi precepimus. Testibus Reverend. in Christo Patribus, Georgio Episcopo Brechinensi, Cancellario nostro; Thoma Episcopo Candida Casa, nostri secreti Sigilli Custode; dilectis consanguineis nostris, Jacobo domino Levingston, magno Camerario nostro; Thoma domino Erskyne, Patricio domino Grabame, Andrea domino le Gray, Willielmo de Moravia de Tullibardine; magistris Johanne Arrous, Archidiacono Glasguensi, nostro Secretario, & Niniano Spot, nostrorum computorum Rotulatore. Apud Edinburgh, vicesimo-secundo die mensis Februarii, Anno Domini 1458, & Regni nostri, vicesimo-tertio.*

Carta 16, Jacobi II. Fol. V. 2i, Johanni Batifon.

*Jacobus, Dei gratia --- Omnibus --- Sciatis nos dedisse --- dilecto & fideli nostro Johanni Batifon, pro singulari favore quem gerimus erga eundem Johannem, pro eo quod interfuit in confictu de Arkinholme, in occisione & captione nostrorum rebellium, quondam Archibaldi & Hugonis de Douglas, Comitum Moravia & de Ormonde, & aliorum rebellium nostrorum in eorum comitiva existentium, ibidem captorum & interfectorum; duas marcas, cum dimidia marcata terra, terrarum de Dal-*

potenti domino, domino Willielmo Comite de Douglas, nomine & ex parte Jacobi de Douglas antedicti, fratris sui, cum cautione præstita de rato habendo; & ex parte adversa, recepta & admissa ex una parte, & nobili viro Archibaldo de Douglas, Comite de Moravia antedicto, ex altera parte: desiderantibus & perentibus declarationem in præmissis, nostra autoritate judiciaria interveniente, eis fieri in casu cujuscunque hæreditatis, cuicunque eorum gemellorum in futurum contingent. Unde nos, hujusmodi petitionibus annuentes, certas probas mulieres, una cum matre eorum fratrum, coram nobis, magno juramento interveniente, juratas, diligenter examinavimus quæ in hujusmodi ortu dictorum gemellorum interfuerunt. Per quarum depo-

Dalbeck, cum pertinentiis, jacent. in baronia de Wester-Ker, infra Vicecomitatum de Roxburgh. Tenend. & Habend. dictas duas marcas, cum dimidia marcata terra, dictarum terrarum de Dalbeck, cum pertinentiis, prædicto Johanni & heredibus, de nobis, heredibus & successoribus nostris, in seodo & hæritate in perpetuum; per omnes rectas metas suas antiquas & divisas, prout jacent in longitudine & latitudine--- cum omnibus & singulis libertat. commoditat. & assiamenis, ac justis pertinentiis suis quibuscunque, tam non nominatis quam nominatis, ad dictas duas marcas, cum dimidia marcata terra, cum pertinentiis, spectantibus, seu quovismodo justo spectare valentibus in futurum; libere, quiete, plenarie, integre, honorifice, bene & in pace, sine aliquo retinemento seu obstaculo quocunque. Faciendo inde annuatim dictus Johannes & heredes sui, nobis, heredibus & successoribus nostris, servitia de dictis duabus marcatibus, cum dimidia marcata terra, cum pertinentiis, debita & consueta. In cujus rei testimonium, præsentī Carta nostra magni Sigillum nostrum apponi præcepimus. Testibus Reverendis in Christo Patribus, Georgio Episcopo Brechin: Cancellario nostro; Thoma Episcopo Candida Casa, nostri secreti Sigilli Custode; dilectis consanguineis nostris, Patricio domino le Grahame, Patricio domino Glamys, Andrea domino le Gray, Patricio domino Hales, Willielmo de Moravia de Tullibardine; magistris Johanne Arrous, Archidiacono Glasg. Secretario nostro, & Niniano de Spot, Canonico Dunkeld. nostrorum computorum Rotulatore. Apud Perth, vicesimo die mensis Octobris, Anno Domini 1458, & Regni nostri vicesimo-seculo.

The said King James grants Nicholao Batison, pro eo quod interfuit in conflictu de Arkinholme, in occisione & captione Comitum Moravia & de Ormonde, duas marcas, cum dimidia marcata terra, terrarum de Dalbeck, cum pertinentiis, jacent. in Baronia de Wester-Ker, infra Vicecomitatum de Roxburgh. Tenend. as before. Reddendo inde servitia debita & consueta. The Witnesses, Date, Place and Tenor, as before in carta fratris sui.



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depositiones comperimus, & per præsentēs pronunciamus, decernimus & declaramus, dictum Jacobum de Douglas seniores præfato Archibaldo fratri suo gemello esse & fuisse, & hoc omnibus quorum interest notum facimus per præsentēs. In quorum omnium & singulorum fidem & testimonium præmissorum, Sigillum officii nostri officialatus Laodoniæ, præsentibus est appensum, una cum subscriptionibus Notariorum subscriptorum, in eodem nostro decreto, & testium examinatione nobiscum assistentium. Apud Edinbrugh, die mensis Augusti 26, Anno Domini 1447, Indictione decima, Pontificatus SS. in Christo Patris, domini nostri Nicholai, divina providentia Papæ, V. anno primo. Coram hiis testibus, viz. dominis Alexandro de Crawford, Alexandro domino Montgomery, Johanne domino Lyndesay de Byres, Johanne Wallace domino de Craigie, Jacobo de Achinleck, de eodem, Militibus; magistro Jacobo Lyndesay de Colventoun, Rectore de Douglas, Thoma de Cranston, de eodem, Johanne de Sancto Michaele de Quicifter, Thoma de Cranston, Willielmo de Cranston, Willielmo de Liberton, Thoma de Berwic, Willielmo Cameron, Alexandro Naper, Lanceloto Abernethy & Johanne de Lancaston; cum multis aliis testibus, ad præmissa vocatis specialiter & rogatis.

Et ego Willielmus Arous, Presbyter S. Andreae diocesis, publicus autoritate Imperiali Notarius, superscripti decreti dationi, & præm. citationi, testium examinationi, dictarum partium requisitioni, ac earum de rato habendo obligationi; cæterisque omnibus & singulis supradictis, dum sic, ut præmittitur, agerentur & fierent, una cum prænominatis testibus, ac dominis Notariis subscriptis, præsens personaliter interfui; eaque omnia & singula sic fieri vidi, scivi & audiui, & in notam sumpsi. Ideoque hic me ad petitionem dicti domini Comitum, & de mandato dicti domini Judicis, una cum Notariis subscriptis, subscripsi, & in notam recepi, ac in hanc præsentem formam redegi; signumque meum solitum & consuetum, una cum appensione sigilli officii officialatus Laodoniæ Judicis antedicti, apposui, rogatus

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tus & requisitus, in fidem & testimonium omnium & singu-  
lorum præmissorum approband. Cum aliis, istud verbum  
[Vicesimum-sexum] inter quartam & quintam lineas, compu-  
tando a fine.

Et ego Robertus Michael de Hirdmanston, Clericus S. An-  
dree diocesis, publicus autoritate Imperiali Notarius, præ-  
missis omnibus & singulis, dum sic, ut præmittitur, ageren-  
tur, dicerentur & fierent, una cum prænominatis testibus,  
& domino Notario suprascripto, præsens fui; eaque omnia  
& singula sic fieri vidi, scivi & audiui, & in notam recepi:  
Ideoque hic me subscripsi, signumque meum solitum & con-  
suetum apposui, rogatus & requisitus, in fidem & testimo-  
nium veritatis omnium præmissorum.

Et ego David Rede, S. Andree diocesis, publicus authorita-  
te Imperiali Notarius, præmissis omnibus & singulis, dum  
sic, ut præmittitur, agerentur, dicerentur & fierent, una  
cum dominis Notariis suprascriptis, & testibus prænomina-  
tis, præsens personaliter interfui; eaque omnia & singula  
sic fieri vidi scivi & audiui, ac in notam sumpsi: Ideoque  
sic me subscribens, signo meo solito & consueto, signavi,  
rogatus & requisitus, in fidem & testimonium veritatis om-  
nium & singulorum præmissorum.

Quas quidem litteras indenturæ & decreti, ac omnia & singu-  
la in eis contenta, in omnibus punctis suis & articulis, conditi-  
onibus & modis, ac circumstantiis suis quibuscunque, forma pa-  
riter & effectui, in omnibus & per omnia approbamus, ratifica-  
mus, ac pro nobis & successoribus nostris, ut prædictum est,  
in perpetuo confirmamus; salvo nobis jure nostro, ante præsen-  
tem confirmationem nobis debito & consueto. In cujus rei te-  
stimonium, præsentī Cartæ nostræ confirmationis, magnum Sigil-  
lum nostrum apponi præcepimus. Testibus Reveren. in Christo  
Patre, Willielmo Episcopo Glasguen. Willielmo domino Creich-  
ton, nostro Cancellario & consanguineo prædilecto; carissimis  
con-

consanguineis nostris, Willielmo & Georgio de Douglas & de Angus, Comitibus; venerabili in Christo patre, Andrea Abbate de Melrofs, nostro Thesaurario & Confessore; dilectis consanguineis nostris. Willielmo domino Somerville, Andrea domino le Gray, Magistro Nicholao de Otterburne, nostro Secretario, & Johanne Arrois, Archidiacono Glasguen. Apud Linlithgow, nono die mensis Januarii, Anno Domini 1449, & Regni nostri decimo-tertio.

The very same Reason likewise induc'd Edward I. to prefer John Balliol, to Robert the Bruce and the other Pretenders to the Crown, because he was descended of the eldest Daughter, and consequently, of the sole Heir to David Earl of Huntington; *quia Nepos ex Filio natus, representat personam sui Patris, & succedit Avo suo, eodem modo quo Pater si vixisset: & fictione quadam juris, Patris sui vita defuncti presentiam exhibet, ac si esset adhuc vivus; quia de jure, Nepotes, subducto filio, rediguntur ad conditionem filii.*

The History of this famous Debate, which set England on Fire, and had almost destroyed Scotland, hath not been faithfully related by our Writers: Wherefore I shall here give an Account thereof, in few Words, and as far as concerns my Design.

The direct Royal Line of Scotland failing in Margaret Maiden of Norway, two powerful Competitors claim'd, at home, the Crown, viz. John Balliol, Lord Harcour and Galloway, as Grandchild to Margaret eldest Daughter to the Earl of Huntington, Brother to Malcom and William, Kings of Scotland; and Robert surnam'd the Elder, Son to Robert the Noble, Lord Cleveland and Annandale, as Son to Isabel, 2d Daughter to the said Earl. The Balliol's Right flow'd from an elder Daughter, yet he was in a 3d Degree from the decess'd Earl; to whose Line they were forc'd to run back: Whereas the Bruce, Son to the 2d Daughter, was in the 2d Degree to Earl David; and so pretended to succeed, preterably to Dornergilla, who was in the same Degree, as Male, who excludes, in Feudal Succession, the Female; *quia generaliter verum est, quod mulier nunquam cum masculo partem capit in hereditate aliqua*, Reg. Majest. Cap. 30, Art. 2; and to John Balliol her Son,

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be-

because he was a Degree nearer to Earl David. Which agreeeth with the 33d Chap. of the said Laws *de filio postnato, & nepote ex primogenito filio*, Art. 2, 3 & 4.

The Questions moved by the Bruce, were already answered by the 5th Art. of our said Laws, Chap. 33, *Aliis vero visum est contrarium, viz. talem nepotem, de jure, patruo esse preferendum*. And Art, 6, *Cum enim nepos ille ex filio primogenito exierit, & de corpore suo extiterit, haeres in totum jus quod Pater suus haberet, si adhuc viveret, ipse nepos debet succedere patri suo*. The Reason express'd by the Law is, *Nam si quis moritur, relicto post se filio, & nepotibus ex altero filio primogenito, vel prius genito, praemortuo; nepotes succedunt avo in stirpes, jure representationis*.

Nevertheless the Right of the Succession was made doubtful, and the Kingdom was drawn into two equal Factions; so that the Controversy, which could not have been settled in Scotland without involving the Nation into a most pernicious Civil War, was refer'd to Edward Langshanks, King of England. Whereupon he held an Assembly at Norham, Dunelm. diocesis, in consensu Scotiae, Anno 1291, Indictione 4ta, Mensis Maii, die decimo. Here he shew'd, per diversas Chronicas, in diversis utriusque Regni Monasteriis compertas, that he was Superior, and *directus Dominus Regni Scotiae*. His Pretensions, grounded upon the fabulous Brutus, were allowed at Upsetlington, belonging to the Bissets, S. Andreae diocesis, the 22 Day of June, by the Bruce and his Adherents, whilst Baliol was absent. *Præsentibus Venerab. in Christo Patribus, dominis Antonio Dunelm. Willielmo Ellienfi, Willielmo S. Andreae, Roberto Glasgw & Marco Soderenfi, Episcopis: At nobilibus viris, Willielmo de Valencia de Pembroke, Henrico de Lacy-Lincoln, Donaldo de Mar, Gilberto de Angm, Roberto de Brois de Carrick, Comitibus----* *At nobilibus viris, Waltero de Bello Campo, Willielmo de Sancto Claro, Patricio de Grahame, Willielmo de Moravia, Militibus*. The Balliol, who arriv'd the Day following, acknowledged also the King's Authority over Scotland, first at Upsetlington in the Merse, then at Norham on Twede-side, in England. All having unanimously submitted their Claims to King Edward, as Sovereign, and direct Lord Superior of Scotland, and promised, in the



the most full and ample Terms imaginable, to adhere to his definitive Sentence. The *Tuesday* following the Ascension 1291, a Nomination was order'd to be made of Forty Barons by the *Balliol*, and of as many by the *Bruce*. To which Number King *Edward* added Twenty-four, for hearing all Debates. The Jury being thus constitute, the Court was Adjourned to the 6th of *June*, and appointed to meet at *Berwick* the 2d Day of *August* following. In the mean time, our Castles were delivered up to the *English*. *Alan* Bishop of *Cathness* was nam'd Chancellor, and our Countrymen swore Fealty to the King of *England*.

Upon *Thursday* the 2d Day of *August*, 1291, a Parliament of both Nations met at *Berwick*, as 'twas appointed, in the Church of the *Black Friars*; there *Florence* Earl of *Holland*, *Patrick* *Dumbar* Earl of *March*, *William de Vescy*, *William de Ross*, *Robert de Pinkny*, *Nicholaus desSoules*, *Patrick Galightly*, *Roger de Mundeville*, *John Cummin*, Lord *Badenoch*, and *John de Hastings*, Lord *Bargaveny*, dropt their respective Claims and Titles. After which *John Balliol* Lord *Galloway*, made his Address to the King and Lords, as follows.

### *BALLIOL's Claim.*

**C**Oram Domino Rege Angliæ, capitali domino Scotiæ, & coram auditoribus electis; Petit *Johannes de Balliolo*, jus suum de Regno Scotiæ, de saisina Antecessoris sui, *David* nomine, qui fuit Rex & regnavit. Unde de eodem *David* descendit jus, & descendere debuit, cuidam *Henrico*, ut filio & hæredi. De eodem *Henrico* descendit jus *Malcolmo*, ut filio & hæredi, & regnavit, & obiit sine hærede de corpore suo. Unde, de *Malcolmo*, descendit jus, & debuit descendere, *Willielmo*, ut fratri & hæredi. De *Willielmo*, qui regnavit, descendit jus, & debuit descendere, *Alexandro*, ut filio & hæredi. *Alexander* regnavit, & descendit jus, & descendere debuit, *Alexandro*, ut filio & hæredi, qui ultimo obiit Rex. De *Alexandro* descendit jus, & debuit descendere, *Alexandro*, ut filio & hæredi. *Alexander* obiit sine hærede de corpore suo, & descendit jus, & debuit

buit descendere, David, ut fratri & hæredi. David obiit sine hærede de corpore suo, & descendit jus, & debuit descendere, Margareta, ut sorori & hæredi. De Margareta descendit jus, & debuit descendere, Margareta, ut filia & hæredi, filia Regis Norwagiae. De illa Margareta, quia obiit sine hærede de se, resortiebatur jus, & debuit resortiri, Margareta, Marjoria & Isabellæ, ut consanguineis & uni hæredi, si Regnum esset partibile, sororibus Alexandri, proavi Margaretae filia Regis Norwagiae: & quia Regnum non est partibile, remansit jus, & debuit remanere de integro, Marjoria, ut sorori antenatae prædictæ Margaretae, & hæredi. De illa Marjoria descendit jus, & debuit descendere, quia obiit sine hærede de corpore suo, cuidam Isabellæ, ut sorori & hæredi. De Isabella resortiebatur jus, & debuit resortiri, cuidam David, ut avunculo & hæredi, fratri Regis Willielmi, patri ejusdem Isabellae. De David descendit jus, & debuit descendere, Henrico, ut filio & hæredi. Henricus obiit sine hærede de corpore suo. Unde de eodem Henrico, descendit jus, & debuit descendere, cuidam David, ut fratri & hæredi. David obiit sine hærede de corpore suo. Unde de ipso David descendit jus, & debuit descendere, cuidam Johanni, ut fratri & hæredi. Johannes obiit sine hærede de corpore suo. Unde de eodem Johanne descendit jus, & debuit descendere, Margaretae, Isabellae, Mathildae & Adae, ut sororibus & uni hæredi, si Regnum esset partibile: & quia Regnum non est partibile, descendit jus de integro Margaretae, sorori antenatae dicti Johannis, ut sorori & hæredi. De Margareta descendit jus, & debuit descendere, cuidam Thomae, ut filio & hæredi. Thomas obiit sine hærede de corpore suo. Unde de ipso Thoma descendit jus, & debuit descendere, Christianae & Dervolguldae, ut sororibus & uni hæredi, si Regnum esset partibile: & quia Regnum non est partibile, descendit jus de integro Christianae prædictae, ut sorori antenatae Thomae, & hæredi. Eadem Christiana obiit sine hærede de corpore suo. Unde de eadem Christiana descendit jus, & debuit descendere, Dervolguldae, ut sorori & hæredi. De Dervolgulda descendit jus, & debuit descendere, Hugoni, ut filio & hæredi. Hugo obiit

obiit sine hærede de corpore suo, & descendit jus, & debuit descendere, Alano, ut fratri & hæredi. Alanus obiit sine hærede de corpore suo. De quo descendit jus, & descendere debuit, Alexandro, ut fratri & hæredi. Alexander obiit sine hærede de corpore suo. Unde de ipso descendit jus, & descendere debuit, *Johanni de Balliolo*, ut fratri & hæredi: Qui modo petit jus suum, ut illi qui exiit de sorore primogenita, de Regno impartibili. Et supplicat domino Regi & suo Concilio, & aliis Electis, quod velint jus suum decidere secundum leges & consuetudines Scotiae, & sibi justitiam exhibere: Salvo sibi jure addendi & diminuendi, secundum leges & consuetudines Scotiae.

*Balliol* having thus ended, and the *Bruce* allowed Audience, he spoke to this Purpose.

### BRUCE's Claim.

**C**Oram Vobis Domino Edwardo, Dei gratiâ, Rege Angliæ Illustri, & Superiori Domino Regni Scotiae; Monstrat *Robertus de Bruys*, Dominus Vallis Annandæ, quod ipse est rectior & propinquior hæres Regni Scotiae, cum pertinentiis: Quia Rex Willielmus, Rex Scotiae, antecessor suus, frater Comitis David de Huntington, fuit saisitus de ipso Regno in dominico suo, ut de feodo & jure, cum pertinentiis, tempore pacis, tempore Henrici Regis Angliæ, qui vocabatur *Filius Imperatricis*; & temporibus Regum Richardi & Johannis, filiorum suorum. Et idem Willielmus regnavit Rex in Scotia, tempore suo, & pacifice obiit Rex saisitus. De eodem Willielmo descendit Regnum Scotiae Alexandro filio suo, ut filio & hæredi; qui regnavit, & obiit Rex saisitus. De eodem Alexandro descendit Regnum Alexandro filio suo, ut filio & hæredi; qui regnavit, & obiit Rex saisitus. Ille idem Alexander habuit duos filios, Alexandrum primogenitum, & David secundo-genitum, & unam filiam, quæ vocabatur Margareta, quæ fuit Regina Norwagiæ: qui filii obierunt, vivente patre, & nullum statum expectaverunt regnandi in Regnum Scotiae. Illa Margareta habuit unam filiam

de Rege Norwagiæ, nomine Margaretam: cui prædictus Alexander Rex Scotiæ, avus suus, in vita sua, post mortem liberorum suorum, fecit probos homines terræ suæ jurare, & affirmare per scriptum, ad tenendum eam pro Domina Regni Scotiæ, si detederet sine hærede de corpore suo. Quæ quidem Margareta obiit sine possessione corporali Regni Scotiæ expectanda, & sine hærede de corpore suo. Postquam Margaretam nihil remansit de exitu prædicti Regis Willielmi, in linea descendente; per quod Regnum Scotiæ, cum pertinentiis, debuisset, per legem & justitiam, resortitum fuisse Comiti de Huntington, postnato fratri prædicti Regis Willielmi, si statum regnandi in Regnum Scotiæ expectasset. Qui quidem David habuit tres filios, Henricum, David, & Johannem qui fuit Comes Cestriæ, qui omnes obierunt sine hæredibus de corporibus suis, & sine statu regnandi in Regno Scotiæ expectando. Ille idem David habuit etiam quatuor filias, Mathildam, quæ obiit sine hærede de corpore suo; Margaretam, Isabellam & Adam: De Isabella exivit Robertus de Bruys qui modo est, qui petit Regnum Scotiæ. Propter quod idem Robertus dicit, Quod Regnum Scotiæ debet resortiri ad eum, sine medio, per legem & justitiam, ut propinquiore in gradu de sanguine Regis Alexandri, qui ultimo obiit, & Margarete filiae Regis Norwagiæ supradictæ, in linea collateralis, ut de sanguine Regali Scotiæ legitimo. Quod quidem Regnum Scotiæ, cum pertinentiis, dictus Robertus de Bruys clamat tenere, libere, in libertate Regni, de Vobis Domino Edwardo Rege Angliæ, & de Corona Angliæ, hæreditarie, in perpetuum. Et monstrat Vobis, quod Rex Alexander, filius Regis Willielmi prædicti, desperans de hærede de corpore suo, tenuit dictum Robertum rectum hæredem suum, si ipse decederet sine alio hærede de suo corpore habendo: Et pro tali designavit, ex assensu proborum hominum de Regno suo; & pro tali ipsum pronuntiavit coram eis, de quibus plures adhuc sunt superstites qui de hoc testimonium poterunt perhibere. Et Rex etiam Alexander qui ultimo obiit, tenuit ipsum pro tali, & id pluribus specialibus suis dedit intelligi, si exitus de ipso deficeret. Et propterea, omnes probi homines de Scotia sunt jurati

pro-



propinquiore de sanguine Regis Alexandri qui ultimo obiit, qui de jure haereditare debebit, si dicta Margareta, filia Regis Norwagiae, sine haerede de corpore suo obiret. Unde supplicat Dominationi Vestrae, quod secundum formam petitionis suae, sibi velit plenam justitiam exhibere, sicut ad Vestram pertinet Dignitatem: Salvo sibi jure in omnibus, addendi, mutandi & diminuendi, secundum quod attendet suo Profectui convenire.

The 15th of October, 1292, the Estates being assembled again at Berwick, and the King set in his Throne of Majesty; he asked the Two Pretenders, if they had any thing more to propose for supporting their Rights? The Bruce instantly enlarging his former Discourse, said:

### BRUCE's Answer.

**Q**UOD quaestio super jure regnandi habet judicari & terminari per Jus Naturale, per quod Reges regnant, & non per leges & consuetudines inter subditos usitatas: per quod quidem Jus Naturale, proximior in sanguine, linea collateralis, melius jus habet regnandi. Dicebat etiam, Quod lex & consuetudo quae sunt inter tenentes & subditos, Superiorem ligare non possunt, praecipue Regem suum. Unde (dixit) quod licet in haereditatibus partibilibus, secundum leges & consuetudines inter subditos observatas, primogenita aliquam habeat praerogativam; in Regno tamen impartibili, ubi proximorum in sanguine Regali legitimus, tempore vacationis Regni inventus, secundum Jus Naturale, est praefendus, primogenita nullam habet, nec habere debet, praerogativam. Dixit etiam, Quod consuetudo succedendi in Regnum Scotiae plene facit pro eo; quia usitatum est in Scotia, quod frater Regis praecedentis, praefendus est ejus filio in successione Regni Scotiae, ratione proximitatis in gradu. Et ad hoc quaedam antiqua produxit exempla, viz. Quod quidam Dovenaldus, frater Kineth Mac-Alpin, regnavit immediate post fratrem suum, excluso Constantino, pri.

primogenito praedicti Kineth; & hoc, ratione propinquitatis sanguinis ipsius Alpini. Et post praedictum Dovenaldum, regnavit Constantinus, primogenitus ipsius Kinith Mac-Alpin. Et post eum regnavit Eth, frater ejus senior, excluso Dovenaldo, filio praedicti Constantini. De quibus Constantino & Eth, fratribus & filiis praedicti Kineth Mac-Alpin, descenderunt omnes Reges, qui postea regnaverunt in Scotia usque modo. Et semper sicut erant propinquiores in gradu, regnabant, quilibet post alium, usque ad tempus Regis Malcolmi, viri Sanctae Margaretae Reginae. Et adhuc, post praedictum Malcolmum, quidam frater ejus regnavit, excluso filio dicti Malcolmi. *Et adduxit ultra, similiter idem Dominus Robertus*, quaedam alia exempla, de consimilibus successionibus in quibusdam aliis terris & regionibus: utpote de Comitatu Sabaudiae, & Regno Hispaniae. *Dixit etiam*, Quod mulier regnare non debet, quia officium regiminis exercere non potest: Et tempore quo praedictum Regnum vacavit, post mortem Regis Alexandri, ultimi Regis Scotiae, fuit Dervolgulda, mater praedicti Johannis de Balliolo superstes; quae, ratione praedicta, regnare non potuit, nec debuit. Et sic jus ipsius Regni praedicti, Roberto, tanquam Masculo, & in aequali gradu cum praedicta Dervolgulda, existenti, sine medio debet resortire, propter insufficientiam dictae Dervolguldae, quia mulier. *Unde petit idem Robertus*, Quod habito respectu ad leges Regales, per quas Reges regnant, & regnare debent, & etiam ad exempla per ipsum producta, quod dictus Dominus Rex jus suum velit declarare, & sibi justitiam exhibere.

To all which *Balliol*, who was certainly a Man of bright Parts, of a great Penetration, and of a sound Judgment, replied, with a wonderful Eloquence, above all Commendation.

**BA.**

## BALLIOL's Reply.

**Q**UOD dictum Regnum Scotia non potest, nec debet, ei-  
 dem Roberto de Bruys quovismodo, de jure, adjudicari;  
 pro eo quod --- Idem Robertus, in Petitione sua præ-  
 dicta, omissionem fecit in ea parte suæ Petitionis, ubi dicit, *Quod*  
*jus Regni prædicti debuisset resortiri David, fratri Regis Willielmi, per*  
*mortem prædictæ Margaritæ de Norwagia;* nullam faciendo mentio-  
 nem de Margareta, Marjoria & Isabella, filiabus prædicti Regis  
 Willielmi, fratris prædicti David: Desicut nullum jus potuit  
 nec debuit resortiri ad prædictum David, fratrem prædicti Regis  
 Willielmi, nisi per medium prædictarum filiarum ipsius Regis  
 Willielmi. Et quo ad hoc quod idem Robertus dicit, *Quod jus*  
*prædicti Regni debuit ad ipsum resortiri, sine medio:* Idem Johannes  
 dicit prius, quod nullum jus potest descendere vel resortiri ali-  
 cui, nisi per medium rectæ lineæ descendente vel ascendente, se-  
 cundum leges & consuetudines utriusque Regni: Per quod di-  
 cit, quod amisso aliquo vel aliquibus de recta linea, ascendente  
 vel descendente, aliquod jus ad eum non potuit resortiri. Et  
 quo ad hoc quod idem Robertus dicit, *Quod est proximior in gra-*  
*du, in eo quod dicit, Quod prædictus David habuit tres filias, Mar-*  
*garetam, Isabellam & Adam;* de qua Margareta exiit Dervolgulda,  
 & de ipsa, Johannes qui nunc est: & de prædicta Isabella, Robertus  
 qui nunc petit; & sic proximior in gradu. Per quod dicit se habere  
 melius jus ad regnum prædictum, secundum consuetudinem quorundam  
 Regnorum. Dicit idem Johannes, Quod quidquid dicat de aliis  
 Regnis & Regionibus, vel de eorum consuetudinibus; in Re-  
 gnis tamen Angliæ & Scotiæ, in quibus Reges regnant per suc-  
 cessionem in recta linea, & Comites & Barones eodem modo suc-  
 cedunt in hereditatibus suis, exitus postnatæ, licet in gradu pro-  
 ximiori, non excludit exitum primogenitæ, licet remotiorem in  
 gradu in ipsa recta linea, successione durante. Dicit etiam,  
 Quod ex quo prædictus Robertus concedit, quod Margareta,  
 antecessor prædicti Johannis, fuit primogenita dicti David, &  
 prædicta Isabella, mater prædicti Roberti, postnata; & quod præ-  
 dictum

dictum Regnum non est partibile, per quod dicit, quod jus ipsius Regni, & ipsum Regnum, unice personae debeat remanere: Videtur ei, quod in hujus modi successione, secundum leges & consuetudines utriusque Regni, antenata praeferenda est postnatae: & eadem ratione, exitus antenatae praeferendus est exitui postnatae, tam ratione primogeniturae quam impartibilitatis Regni praedicti. Unde per rationes praedictas, durante exitu primogenitae, nihil juris exitui postnatae accrescere potest. Et quo ad hoc quod praedictus Robertus dicit, *Quod Alexander Rex Scotiae, filius Regis Willielmi, tenuit eum pro propinquiore haerede suo, si sine haerede de se contingeret ipsum mori, & pro tali eum, coram Baronibus suis, recognovit: Idem Johannes dicit, Quod quoad petendum Regnum praedictum, hujusmodi recognitio sibi valere non debet, etiam etsi facta fuisset: & quod idem Robertus, in Petitione sua, recognoscit, quod praedictus Alexander obiit Rex saistus de Regno praedicto in dominio suo, ut de feodo & de jure: & quod de praedicto Alexandro, descendit jus praedicti Regni cuidam Alexandro, ut filio & haeredi, qui similiter obiit inde saistus. Unde per Recognitionem suam praedictam satis ostendit, quod ille Alexander sine haerede de se non decessit, & quod jus praedicti Regni ad filium suum, ut ad haerem, per mortem ipsius fuit transmissum. Et sic per recognitionem praedicti Alexandri, si quae facta fuit, nihil juris fuit sibi acquisitum. Item, Quo ad hoc quod idem Robertus dicit, *Quod questio super jure regnandi habet terminari & judicari per Jus Naturale, per quod Reges regnant, & non per leges & consuetudines inter subditos usitatas: Idem Johannes dicit, Quod per easdem leges & consuetudines, debet Dominus Rex Angliae, Superior Dominus Regni Scotiae, cognoscere & judicare de dicto Regno Scotiae inter petentes, per quas idem Rex Angliae, de terris & tenementis ad Coronam suam spectantibus, per antecessores suos, infra Regnum suum occupatis, cognoscit & judicat, & antecessores sui cognoscere & judicare solebant; & hoc est, per communem legem & consuetudinem Regni sui, & non per aliquas alias leges & consuetudines qualescunque. Et quo ad hoc quod idem Robertus dicit, *Quod lex & consuetudo quae sunt inter tenentes & subditos, Superiorem***



*ligare non possunt, & precipue Regem suum: Idem Johannes dicit, Quod prædictus Robertus non est in eo casu, in quo judicari debet per subiectum, sed per Superiorem, scilicet per Dominum suum Regem Angliæ, Superiorem Dominum dicti Regni Scotiæ; de cujus progenitoribus, a tempore cujus non extat memoria, dictum Regnum Scotiæ per hommagium tenebatur, & de ipso teneri debet: Et ipsi petentes sint in ipsius curia Regis & Domini sui, ad recipiendum jus ab eo, sicut subditi de tenementis quæ ab ipso tenentur. Unde dicit, Quod ex quo sunt subiecti dicto Domino suo Regi Angliæ, & Coronæ suæ, quolibet jure requiritur, ut ipsi, tanquam subditi & petentes, jus ad Regnum, quod de eo tenetur, per leges & consuetudines Regni sui debeant judicari. Et dicit, Quod per easdem leges & consuetudines, primogenita habet prærogativam in succedendo, tam in hæreditatibus impartibilibus quam partibilibus. Item, Quo ad hoc quod prædictus Robertus dicit, Quod consuetudo succedendi in dicto Regno Scotiæ plene facit pro eo, in hoc quod dicit, Quod frater Regis cujusdam præcedentis, præfertur illius filio in successione Regni, ratione proximitatis in gradu: & ad hoc, quod quædam produxit exempla: Idem Johannes dicit, Quod per hoc, quod prædictus Robertus intendit ostendere per exempla prædicta, quod frater postnatus regnavit post fratrem antenatum, ipsius filium repellendo, & hoc, ratione proximitatis, in gradu succedendi præfertur proximiori; quia filius proximior est patri in gradu hujusmodi succedendi, quam frater patris, secundum leges & consuetudines utriusque Regni. Et quoad exemplum quod Idem Robertus dicit, Quod frater Malcolmi, quondam Regis Scotiæ, regnavit immediate post ipsum Malcolmum, ejus filium repellendo: Idem Johannes recognoscit, quod frater prædicti Malcolmi, per aliquod tempus modo prædicto regnavit; sed dicit, quod filius Malcolmi sic expulsus, adivit dominum suum Willielmum Regem Angliæ, & Superiorem Dominum Regni Scotiæ, conquærendo de injuria per fratrem patris sui sibi facta. Ad cujus quærelam, Dominus Rex Angliæ, fratrem prædicti Malcolmi a prædicto Regno ejecit, & filium ejusdem Malcolmi, Regem ejusdem Regni Scotiæ constituit, qui post modum toto tempore suo regnavit.*  
*Di.*

Dicit etiam idem Johannes, Quod post mortem ejusdem Regis filii Malcolmi, idem frater Malcolmi, iterato, se in dictum Regnum intravit, & regnare cepit: Per quod, ad quaerimoniam cujusdam Edgari, 2. filii ejusdem Malcolmi, praedictus Rex Willielmus, Superior Dominus dicti Regni Scotiae, praedictum fratrem Malcolmi sic regnantem injuste, de eodem Regno Scotiae rato ejecit, & praedictum Edgarum Regem ipsius Regni constituit. Post quem omnes alii Reges Scotiae, usque nunc, per rectam lineam successionis, secundum leges & consuetudines in utroque Regno usitatas, regnaverunt. Et quo ad exempla de Hispania & Comitatu Sabaudiae, dicit, Quod illa exempla praedicto Roberto non debent valere; pro eo quod aliae sunt & diversae leges & consuetudines in Hispania & Sabaudia, quam in Regnis Angliae & Scotiae: nec Rex debet, inter subditos suos, per alias leges & consuetudines judicare, quam per leges & consuetudines Regnorum quibus praest. . Et quo ad hoc quod praedictus Robertus dicit, *Quod mulier regnare non debet; quia officium regiminis exercere non potest*: Idem Johannes dicit, Quod si mulier regnare non debet, nec jus regnandi ad ipsam descendere seu resortiri, idem Robertus nihil juris vendicare potest in Regno praedicto; eo quod, si aliquod jus de ipso regno ad ipsum resortiri deberet, hoc esse non potest nisi per medium Isabellae matris suae: Unde dicit, Quod si nullum jus regnandi ad dictam Isabellam matrem suam resortiri potuit, nec ad ipsum Robertum, nisi per eandem Isabellam, tanquam ad filiam, descendere quoquomodo. Dicit etiam, Quod idem Robertus, in hujusmodi dicto suo, est sibi ipsi contrarius. Et quia satis notorium est, quod tam ipse Robertus, quam omnes alii Comites, Barones, Proceres & Magnates Regni Scotiae, juraverunt fidelitatem Margarethae filiae Regis Norwagiae, quae ultimo obiit Domina & Regina dicti Regni Scotiae, & ipsam pro Regina & Domina tenuerunt. Et sic erat idem Robertus modo negando verbo, quod prius facto concesserat, quod quidem factum dediscere non potest. Unde --- cum liqueat evidenter quod praedictus Johannes sit haeres --- Margarethae primogenitae praedicti David, per rectam lineam succedendo, descendens; & concessum sit per eundem Robertum, quod

quod praedictum Regnum est impartibile; per quod necessario requiritur, quod huiusmodi haereditas impartibilis tantummodo uni forori & haeredi, & exitui ipsius, debeat remanere, secundum leges & consuetudines utriusque Regni: Et si uni tantum, semper praeterenda est primogenita, & ipsius exitus, in omni huiusmodi haereditate impartibili, tam ratione primogeniturae, quam impartibilitatis haereditatis Regni petiti. Per quas etiam leges & consuetudines, nullus gradus proximitatis sanguinis in secunda linea, excludit remotiorem exeuntem de primogenita in prima linea, recte descendente: Petit ipse Johannes, Petitionem praefati Roberti, quoad jus succedendi in praedictum Regnum Scotiae, repelli penitus & cassari; & secundum Petitionem suam, iustitiam sibi fieri, ac jus suum, prout in Petitione sua continetur, in omnibus & singulis judicialiter declarari, ac idem Regnum Scotiae sibi per Vos adjudicari.

After this, King Edward asked of the Lords of the Council, Peers, Prelats and Auditors, *Quis istorum duorum, Roberti & Johannis, sit alteri praefendus, in jure succedendi in dictum Regnum Scotiae, secundum praemissa hinc inde proposita & ostensa? Et an remotior in uno gradu, in successione exiens de primogenita, debeat, secundum leges & consuetudines utriusque Regni, excludere proximior in gradu exeuntem de secundo-genita? Vel proximior in gradu, exiens de secundo-genita, debeat, secundum leges & consuetudines ipsorum Regnorum, excludere remotiorem in uno gradu, exeuntem de primogenita?* All unanimously and together answered, nullo reclamante vel contradicente, *Quod remotior in uno gradu, linealiter descendens de primogenita, secundum leges & consuetudines utriusque Regni, praefendus est proximiori in gradu, exeunti de secundo-genita, in qualibet haereditaria successione. Quocirca praefatus Dominus Rex, dicta responsione intellecta, sexto die mensis Novembris, die Jovis viz. proximo post Festum Omnium Sanctorum; quia apparebat evidenter, dictum Robertum de Bruys jus in Petitione sua non habere, secundum formam ejusdem & naturam; de consilio Praelatorum & Nobilium utriusque Regni, Auditorum praedictorum, & aliorum de Concilio suo, ibidem praesentium --- Judicialiter --- Pronunciavit,*

Y

nunciat, Quod prædictus Robertus, per Petitionem suam prædictam, nihil capiat de Regno Scotia memorato.

Then he desired John Balliol and the other Pretenders to continue their Claims. At length, the 17th of November, 1292, the Peers and Auditors of both Nations compearing again in the Castle of Berwick upon Tweed, S. Andrea Diocesis, with all those that bore any Authority in State or Court, Sentence was given in favours of John Balliol, die Luna, post Festum S. Martini. The Reasons mentioned in the Record are: *Quia compertum fuit manifeste, & per omnes utriusque Regni Nobiles, Prælatos, Auditores & Sapientes, consideratum & concordatum, quod prædictum Regnum Scotia est impartibile, & uni debeat hæredi remanere. Et --- quod ab omnibus utriusque Regni Nobilibus & Prælatibus est approbatum, concordatum & dictum --- & judicialiter declaratum, Quod remotior in gradu descendente, in prima linea, proximiori in secunda linea, in successione hereditatis impartibilis, est præferendus. Et etiam, Quod ordo successionis contentus in Petitione dicti Johannis de Balliolo, qui est hæres in prima linea descendente, non est ab aliquo Petentium prædictorum, in aliqua sui parte deditus: Idcirco, præ omnibus aliis, in successione hereditaria dicti Regni Scotiae, est præferendus, tanquam hæres rector Regni memorati.* Prynne, P. 527.

Whereupon he was Crowned at Scoon, with loud Acclamations and Applauses of the Commons, the 29th of November, the said Year, by Anthony Beck, Bishop of Durham, and plac'd in his Royal Seat by John of St. John, Duncan Earl of Fife, to whom that Charge, by Custom of the Kingdom, did appertain; being at Under-age, and unable to perform those Services.

From all what is said, I shall draw the following Conclusions: 1mo, That the Bastard hath no Right to any Succession, since Patrick Earl of March, William de Vesey, Robert de Pinkny, and the other Competitors who derived their Title from Natural Children to our Kings, were scarcely noticed. 2do, That the Child of the 2d or 3d Daughter, who are called *Postnatae*, was not allowed to debate with the Child or lineal Heir of the first Daughter, design'd *Antenata*: For which Reason, Robert the  
Bruce



Bruce and John of Hastings, the First descended of Isabel, and the Last, of Ada, lawfull, yet younger Daughters to David-Earl of Huntington, were excluded from the Crown. 3tio, That the sole Heir, according to our Laws, is the eldest lawful Son; or he failing, the eldest lawful Child lineally descended of him, who succeeds *jure repræsentationis*, and so is nearer to the Estate, tho' not nearer to the deceast Possessor thereof. And consequently, That John Earl of Carrick, being universally acknowledged for righteous and undoubted Heir to King Robert, behov'd to be lawfully born: Which he himself openly proclaims to the World by the Designation of *Primogenitus*, the eldest Son; which Designation implies, as I have said, in its formal Conception, not only an undoubted Right to the whole Succession, but also a clear and distinct Notion of a lawful Birth; as the Reader may easily perceive in perusing the following Sheets.

*Confirmatio Foundationis Capellæ B. Mariæ de Mayboylle. Ex Autographo. It is the 280. Charter of King David's Book, Fol. R. 56, and the first Charter of the 2d. Roll of our Registers.*

ROBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Sciatis nos quasdam litteras Johannis Kennedy de  
Donnonure, super fundatione & dotatione cujusdam Capellæ & tri-  
um Capellaniarum, juxta Cæmeterium Ecclesiæ parochialis de  
Mayboylle, in Comitatu de Carryk, confectas; de mandato nostro  
visas, lectas & diligenter inspectas; non raras, non abolitas, nec  
in aliquo viciatas, intellexisse ad plenum, in hæc verba: "Uni-  
versis ad quos præsentis litteræ pervenerint, Johannes Kenne-  
dy, Dominus de Donnonure, Parochiæ de Mayboylle, Diocesis  
Glasguensis, Salutem in omnium Salvatore. Quia inter alia,  
per

per quæ fideles Christiani firmam tenent fiduciam remunera-  
 tionis æternæ, profunt veraciter, & maxime orationum suffra-  
 gia & opera charitatis; quorum utrumque quis exequitur &  
 complet efficaciter, si ad Divini cultus augmentum, locum sa-  
 crum honorificum, de bonis sibi a Deo collatis, zelo fidei con-  
 struit, & ipsum habunde dotat redditibus pro servitio ministro-  
 rum. Hinc ergo universitati vestræ notum facio, Quod ego Jo-  
 hannes *Kennedy* prædictus, de auctoritate venerab. in Christo pa-  
 tris, ac D. D. Walteri, Dei gratiâ, Episcopi Glasguen., fundavi  
 & inepi quandam Capellam, in honore & sub nomine B. Ma-  
 riæ Virg. juxta Cœmeterium Ecclesiæ parochialis de *Mayboyle*,  
 in Comitatu de Carryk. Verum, quia secundum Canones,  
 qui ædificare vult, ante perficiat quæ ad luminaria, quæ ad  
 custodiam, & quæ ad stipendia ministrorum sufficiant; idcirco  
 ego Johannes supradictus, pro me & hæredibus meis, dono  
 & concedo Deo, B. Mariæ Virgini, omnibus Sanctis, ac per-  
 pæto, tribus Capellanis ibidem Divina celebraturis, pro sa-  
 lubri statu mei, Mariæ uxoris meæ, & liberorum meorum,  
 quamdiu egerimus in humanis; & pro animabus nostris, cum  
 ab hac luce migraverimus, nec non pro animabus omnium  
 antecessorum & successorum nostrorum, & omnium fidelium  
 defunctorum, decem & octo marcas terræ de terris meis, vi-  
 cinis, contiguis sive annexis Ecclesiæ de *Mayboyle* & Capellæ  
 prædictis, una cum octodecim bollis farinæ de sicca multura,  
 de dicta terra mea percipi consuetæ; ac decem marcas Ster-  
 lingorum, annuatim percipiendas de terra de *Balmaclewhane*,  
 ad duos anni terminos consuetos; & quinque marcas ter-  
 ræ de *Barrecloych*, & sex marcas terræ de *Treuchane*, &  
 quinque marcas terræ de *Barrelach*; ad sustentationem ip-  
 sius Ecclesiæ sive Capellæ, unius Clerici & trium Capellano-  
 rum, ut præfertur; in liberam, puram & perpetuam eleemo-  
 synam, & in dotem præfatæ Capellæ; sine aliquo retinemento  
 superioritatis secularis, exactionis vel demandæ. Et si dictas  
 terras, annuos redditus, vel eorum partem aliquam, a dicta  
 Capella eyinci contigerit, obligo me, hæredes meos & affi-  
 gnatos, & omnia bona mea mobilia & immobilia, & speciali-

ter

ter terras meas de *Donnonure*, *Tonergeth*, & de *Kylynekelly*, ad  
 dotandam dictam Capellam, quatenus ab ea evictum fuerit  
 & obtentum. Volo etiam, quod cujuscunque dictarum Capel-  
 laniarum in perpetuum, cum vacaverit, presentatio ad me &  
 hæredes meos spectet, infra quatuor menses a tempore vaca-  
 tionis, Episcopo Glasguensi, & sede vacante, ejusdem Capi-  
 tulo facienda: Ex tunc enim ad eos devolvetur libera provi-  
 sio, illa vice tantum; salvo mihi & hæredibus meis in perpe-  
 tuum jure, aliis in posterum vicibus presentandi. Dictas et-  
 iam terras & redditus, si quæ onera ordinaria vel extraordi-  
 naria, aut consueta servitia ipsis emineant, ab iis quibus de-  
 bentur liberabo; alioquin aliarum terrarum mearum de hujusmodi on-  
 eribus plenarie respondebunt. Blada vero dictorum Capella-  
 norum molentur in molendino meo de *Ronnifrac*, post me ipsum  
 & hæredes meos, & de multura ad vas vicessimum-quartum.  
 Insuper, pro me & hæredibus meis promitto, Quod cartas  
 confirmationum hujus mearum donationis, Dominorum meorum  
 Superiorum, videlicet, Illustris viri Domini Comitis de Car-  
 rick, & Excellentissimi Principis, Domini mei Regis Scotiarum,  
 ad finem quod jure alicujus eorum, presentis mea fundatio in  
 toto vel in parte retractari non possit, meis sumptibus procu-  
 rabo. Si vero contingat, quod absit, me vel aliquem hære-  
 dum meorum, contra presentem fundationem ipsarum Capel-  
 laniarum, aliquo unquam tempore, in aliquo venire; obligo  
 me & hæredes meos, in viginti libris Sterlingorum, fabricæ Ec-  
 clesiæ Glasguensis, & in viginti libris Sterlingorum, ad ampli-  
 cationem & sustentationem dictæ Capellæ applicandas, no-  
 mine pœnæ, & in dampnis, quæ dictos Capellanos qui pro  
 tempore fuerint, sustinere contigerit, juxta arbitrium Superi-  
 oris eorundem persolvend. totiens quotiens contrariatum fuerit;  
 fundatione Capellæ, ejus dotatione, libertatibus, & pœnæ  
 continuatione, nihilominus in suo robore duraturis: subjici-  
 ens me & hæredes meos, in præmissis omnibus & quolibet  
 præmissorum, jurisdictioni Episcopi Glasguensis, ut ego & hæ-  
 redes mei, simpliciter, de plano, sine strepitu & figura judicii,  
 valeamus ad præmissa omnia & eorum quodlibet, per censu-

"ram Ecclesiasticam coherceri. Protestor insuper, cum reco-  
 "lenda memoria venerabilis pater Willielmus Episcopus Glas-  
 "guensis ultimo defunctus, auctoritate Litterarum Apostolica-  
 "rum, mihi ex causa injunxisset fundare unam Capellaniam per-  
 "petuo duraturam, quod una istarum Capellaniarum per me  
 "fundatarum, sic cedat ad exonerationem meam, quod ad ali-  
 "am foundationem eo prætextu non teneat in futurum. In cu-  
 "jus rei testimonium, Sigillum meum, unâ cum Sigillo Domini  
 "Gilberti Kenedy, militis, filii mei & hæredis; ac etiam cum  
 "Sigillo venerabilis in Christo patris, & D. D. Walteri, Dei  
 "gratiâ, Episcopi Glasguensis; unâ cum Sigillo communi Ca-  
 "pituli ejusdem, ad majorem securitatem, præsentis litteræ, & u-  
 "ni alteri ejusdem tenoris, est appensum: Quarum litterarum u-  
 "na, apud Glasguense Capitulum perpetuo remanente, alia ve-  
 "ro, penes Capellanos dictæ Capellæ, per eos in loco quem e-  
 "legerint, custodiend. Similiter, duarum confirmationum Do-  
 "mini Comitis de Carrick, & duarum Domini nostri Regis, e-  
 "jusdem tenoris, quas impetrabo, unâ Comitis, & alia Regis,  
 "penes Glasguense Capitulum; aliæ vero duæ, penes Capella-  
 "nos, ut præfertur, perpetuo remanebunt. Datum apud *Don-*  
 "*nonure* prædictum, penultimo die mensis Novembris, Anno  
 "Domini, Millesimo tricentesimo septuagesimo-primo". Quas  
 quidem foundationem & dotationem ejusdem Capellæ, & terra-  
 rum & reddituum prædictorum, in liberam, puram & perpetu-  
 am eleemosynam, & in dotem ipsius Capellæ, sic factas, juxta  
 formam & effectum earundem litterarum, in omnibus & per om-  
 nia, pro nobis & hæredibus nostris, ratificamus, approbamus,  
 & tenore præsentis cartæ nostræ in perpetuum confirmamus.  
 In cujus rei testimonium, præsentis cartæ confirmationis nostræ,  
 nostrum præcepimus apponi Sigillum. Testibus venerabili in  
 Christo patre, Willielmo Episcopo Sancti Andreae; Johanne pri-  
 mogenito nostro, Comite de Carrick & Senescallo Scotiae, Ro-  
 berto Comite de Meneteth, Willielmo Comite de Douglas, Jo-  
 hanne de Carrick, Cancellario nostro, Willielmo de Keth, Mare-  
 scallo nostro; Jacobo de Lyndesay, Roberto de Erskync & Hu-  
 gone



gone de Eglinton, militibus. Apud Dundonevald, quarto die  
mensis Decembris, Anno Regni nostri primo.

[ *The Broad Seal appended, as before.* ]

*Carta Johannis Comitis de Carrick. Ex Autographo.*

**U**niversis ad quorum notitiam presentes litterae pervenerint, Johannes Primogenitus Roberti, Dei gratiâ, Regis Scotorum illustris, Comes de Carrick & Senescallus Scotiae, Salutem. Cum dilectus consanguineus noster Johannes Kennedy de Dunnonure, quandam Capellam in honorem B. Mariae Virginis, juxta Cœmiterium Ecclesiae parochialis de Mayboylle, in Comitatu nostro de Carrick, construxerit, ad sustentationem trium Capellanorum & unius Clerici, ibidem perpetuo Divina celebratur. necessariam, quam redditibus & possessionibus subscriptis dotavit, videlicet, de decem & octo marcatis terræ, contiguæ & vicinæ, sive annexæ dictæ Ecclesiae de Mayboylle & Capellæ prædictæ, unâ cum octodecim bollis farinæ de sicca multura, de dicta terra percipi consueta, ac decem marcis Sterlingor. annuatim percipiend. de terra de Balmaclewhane, ad duos anni terminos consuetos, & quinque marcas terræ de Barrecloych, & sex marcas terræ de Treuchane, & quinque marcas terræ de Barrelach; in liberam, puram & perpetuam eleemosynam. Noveritis nos dictas concessiones & donationes, sive indotationes prædictis Capellæ & Capellanis, ac Clerico concessas, ratificasse, approbasse, & pro nobis & hæredibus nostris in perpetuum confirmasse, in omnibus & per omnia, forma pariter & effectu, adeo libere & quiete, integre & honorifice, prout in Cartis sive Litteris dicti Johannis, inde factis & concessis, plenius continetur. In cujus rei testimonium, Sigillum nostrum presentibus fecimus apponi. Apud Dundonald, in Festo B. Johannis Evangelistæ, Anno Domini, Millesimo tricentesimo septuagesimo-primo, Huius testibus, nobilibus viris, Dominis Willielmo de Conyngham,

gham, Domino de Kilmauris; Hugone de Eglintone, Domino de Ardrossane; Johanne de Lyndesay, Domino de Thuriston; Johanne Walays, Domino de Ricardtoun; Duncano Walays, militibus; Andrea de Connyngham, Andrea More, Johanne Tayt, & multis aliis.

*Carta Roberti II. 299 of King David's Book,  
Fol. V. 59 & 61. de controversia inter Bur-  
genses de Aire & de Irwyne.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Quia per inquisitionem, de mandato nostro factam  
per Balivum de Conyngham, super controversia sive quæstione,  
mota & pendente inter burgenses nostros de Aire, ex parte una,  
& burgenses de Irwyne, ex parte altera; super finibus, limiti-  
bus & libertatibus, dictorum burgorum & burgensium de Aire  
& de Irwyne, & consequenter ad nos retornatam; fuit clare  
compertum, quod dicti burgenses de Irwyne fuerunt & sunt, a  
triginta, quadraginta, quinquaginta & sexaginta annis, & ultra  
& citra, & a tempore & per tempus, de cujus contrario memo-  
ria hominum non existit, in possessione suum, limitum & bon-  
dar. totius baroniæ de Conyngame, & baroniæ de Largis, di-  
cti burgi de Irwyne libertatibus annexarum, pro suis mercandis  
tantum, & mercimoniis in iisdem libere exercendis; prout hæc &  
alia, per Cartas inclitæ memoriæ prædecessorum nostrorum Re-  
gum Scotiæ ostensas in inquisitione prædicta, clare patuit, ut  
est dictum. Noveritis nos concessisse, & hac præsentī Carta no-  
stra confirmasse eidem burgo de Irwyne, & burgensibus ejusdem,  
pro nobis & hæredibus nostris, ut ipsi duntaxat, utendo suis mer-  
candis & mercimoniis perpetuo, pro se & suis hæredibus libe-  
re gaudeant bondis, limitibus & finibus supradictis: firmiter  
inhibentes, ne quis eos, contra præfatam nostram concessionem,  
vexare, gravare, seu inquietare præsumat, in præjudicium dicta-  
rum

rum suarum libertatum, super nostram plenariam forisfacturam: Concessimus etiam eidem burgo de Irwyne, & burgensibus ejusdem qui pro tempore fuerint, & eorum hæredibus & successoribus, pro nobis, hæredibus & successoribus nostris in perpetuum, quod ipsi, hæredes & successores sui, dictum burgum teneant & possideant in liberum burgum, cum omnibus libertatibus & privilegiis; adeo libere, plenarie & honorifice, sicut aliquis burgus infra Regnum nostrum, ex infeodatione quorumcunque Regum Scotiæ prædecessorum nostrorum, liberius tenetur, seu honorificentius possidetur; absque exactiōe cujuscunque tollonei, seu alterius cujuslibet servitutis, jam impositæ, seu in posterum imponendæ. Volumus etiam, & concedimus eidem burgo de Irwyne, & burgensibus ejusdem, ac eorum hæredibus & successoribus, pro nobis, hæredibus & successoribus nostris, libertatem Gyldæ, prout alii burgi & burgenes Regni nostri, ipsam libertatem habent & habere consueverunt: quodque fratres Gyldæ in burgo de Irwyne prædicto constituere valeant qui gaudebunt, & gaudere debebunt omni libertate Gyldæ, qua alii quicunque Regni nostri burgenes hætenus sunt gavisi. In cuius rei testimonium, præsentī Cartæ nostræ, nostrum præcepimus apponi Sigillum. Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andreæ & Brechinen. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick & Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth, filio nostro dilecto; Willielmo Comite de Douglas, consanguineo nostro; Johanne de Carrick, Canonico Glasguen. Cancellario nostro; Hugone de Eglinton & Roberto de Erskyne, militibus, consanguineis nostris. Apud Edinburgh, octavo diē mensis Aprilis, Anno Regni nostri secundo.

*Carta Roberti II. Johanni de Foulartoun. Ex  
Autographo. 'Tis the 298 Charter of King  
David's Book, Fol. V. 59.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. — Sciatis nos concessisse, & hac præsentī Carta nostra  
confirmasse illas donationem & concessionem, quas Primogenitus  
noster carissimus Johannes Comes de Carrick, Senescallus Sco-  
tiæ, fecit & concessit Johanni de Foulartoun, filio & hæredi A-  
dæ de Foulartoun militis, de terris de Lathis, orientali & occi-  
dentali, & de terris de Harparlande, cum pertinentiis, in baro-  
nia de Kyle-Senescalli, infra Vicecomitatum de Are. *Tenend. &  
Habend.* dicto Johanni & hæredibus suis, de præfato Johanne Pri-  
mogenito nostro, in feodo & hæreditate, per omnes rectas metas  
& divisas suas --- adeo libere, quiete, plenarie & honorifice ---  
cum omnibus libertat. commod. ayfiamēt, & justis pertinentiis,  
ad dictas terras spectantibus, seu juste spectare valentibus in fu-  
tūrum; sicut Cartæ sive Litteræ dicti Johannis Primogeniti no-  
stri, præfato Johanni de Foulartoun, exinde confectæ, in se juste  
continent & testantur; salvo servicio nostro. In cujus rei testi-  
monium, præsentī Cartæ nostræ, Sigillum nostrum præcepimus  
apponi. Testibus venerab. in Christo patribus, Willielmo, Wal-  
tero & Patricio, S. Andree, Glasguen. & Brechinen. Ecclesiarum  
Episcopis; Johanne Primogenito nostro, Comite de Carrick &  
Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth, A-  
lexandro Senescalli, filiis nostris carissimis; Thoma de Mar,  
Willielmo de Douglas, Comitibus, consanguineis nostris; Jo-  
hanne de Carrick, Canonico Glasguen. Cancellario nostro; A-  
lexandro de Lyndesay, Roberto de Erskyne & Hugone de Eglin-  
ton, militibus, consanguineis nostris. Apud Sconam, quinto die  
mensis Martii, Anno Regni nostri secundo.



*Confirmatio Cartæ Roberti de Erskine, Patricio  
Flemyng, per Robertum II. Carta 61. Rot.  
1, Roberti II. which is the 2d in the Records.  
John Earl of Carrick, Witness.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terræ suæ, Clericis & Laicis, Salu-  
tem. Sciatis nos Cartam Roberti de Erskyne militis, con-  
fanguinei nostri dilecti, de mandato nostro visam, lectam, exa-  
minatam & diligenter inspectam, non vitiatam, non cancella-  
tam, non rasam, non abolitam, nec in aliqua sui parte suspe-  
ctam, sed omni prorsus vitio & suspicione carentem, intellex-  
isse, de verbo in verbum, sub hac forma: " Omnibus hanc  
" Cartam visuris vel audituris; Robertus de Erskyne, Domi-  
" nus ejusdem, Salutem in Domino sempiternam. Noveritis  
" quod ego dedi, concessi, ac dono & concedo, & hæc præsentī  
" Carta mea confirmo Patricio Flemyng, filio Malcolmi Flemyng,  
" Domino de Bigger, secundo-genito, omnes terras meas infra  
" baroniam de Leygneh, videlicet terram de Bord, terram de  
" Tweonres, terram de Croy occidentali, & de Croy orientali,  
" terram de Smacheston, terram de Bawoch & terram de Ardre,  
" cum pertinentiis; in escambium terrarum de Dalnōtri & de  
" Garscaddene, quæ fuerunt dicti Patricii Flemyng, in Comi-  
" tatu de Levenox, intra Vicecomitatum de Dumbarton. *Te-  
" nend. & Habend.* eidem Patricio & hæredibus suis, de Domi-  
" no Barone de Leygneh qui pro tempore fuërit, in feodo & hæ-  
" reditate, per omnes rectas metas & divisas suas; adeo libe-  
" re, quiete, plenarie, integre & honorifice; cum omnibus li-  
" bertat. Commod: aysiamētis & justis pertinentiis, ad dictas  
" terras spectantibus, seu spectare valentibus in futurum; sicut  
" ego Robertus prædictus easdem terras, cum pertinentiis, li-  
" berius tenui seu possedi, aut Carta Thomæ Flemyng, Domi-  
" ni

“ ni baroniæ ejusdem, mihi inde confecta, in se proportat libe-  
 “ rius & testatur. *Faciendo* inde Domino Baroni de Leygneh  
 “ qui pro tempore fuerit, tantum, servitium debitum & in ipsa  
 “ Carta contentum. Et ego prædictus Robertus & hæredes mei,  
 “ prædictas terras de Boid, de Tweonres, de Croy occidentali  
 “ & orientali, de Smecheston, de Bawoch, de Ardre, cum per-  
 “ tinentiis, prædicto Patricio & hæredibus suis, contra omnes  
 “ homines & faeminas warrantizabimus, adquietabimus, & in  
 “ perpetuum defendemus. Et si contingat quod hæredes antiq.  
 “ baroniæ de Leygneh, per tractatum pacis reformandæ inter  
 “ Reges Angliæ & Scotiæ, prædictam baroniam de Leygneh,  
 “ tanquam hæreditatem suam recuperaverint & fuerint assecuti,  
 “ sic quod prædictus Patricius prænominatas terras, cum perti-  
 “ nentiis, amittat; ex tunc ipse Patricius & hæredes sui, ad  
 “ dictas terras de Dalnotri & Garscaddene, cambitas ut supra,  
 “ liberum habebit & habebunt regressum, absque quovis clameo  
 “ mei vel hæredum meorum, vel quocunque brevi placitabili.  
 “ Quin immo ego Robertus de Erskyne & hæredes mei præ-  
 “ dicti, ipsas terras de Dalnotri & de Garscaddene, cum perti-  
 “ nentiis, præfato Patricio & hæredibus suis, liberas & vacuas,  
 “ & a nemine nostrum occupatas, dimittemus, sibi & suis per-  
 “ petuo possidendas, adeo libere, sicut præfatus Patricius eas-  
 “ dem terras, cum pertinentiis, ante excambium prædictum me-  
 “ um factum, tenuit & possedit. In cujus rei testimonium, præ-  
 “ senti Cartæ meæ Sigillum meum apposui. Datum apud Edin-  
 “ burgh, decimo-octavo die Aprilis, Anno Domini, 1369. Hiis  
 “ testibus, nobili & potenti D. D. Roberto Senescallo Scotiæ,  
 “ Com. de Strathern; Johanne Senescallo de Kyle, Com. de Car-  
 “ rick; Patricio de Grahame, filio & hærede domini David de  
 “ Grahame, Domini de Dundas; Willielmo de Galbrach, Mur-  
 “ daco de Levenox & aliis”. Quam quidem Cartam, in om-  
 “ nibus punctis, articulis, conditionibus & circumstantiis suis qui-  
 “ buscunque, forma pariter & effectu, ratificamus, approbamus,  
 “ & pro nobis & hæredibus nostris in perpetuum confirmamus;  
 “ salvo servitio nostro. In cujus rei testimonium, præsentis Cartæ  
 “ Confirmationis nostræ, nostrum præcepimus apponi Sigillum.  
 “ Te-

Testibus venerabilibus in Christo patribus, Willielmo & Patri-  
cio, Sancti Andreae & Brechinen. Ecclesiarum Episcopis; Johan-  
ne Primogenito nostro, Comite de Carrick & Senescallo Scotiae;  
Roberto Comite de Fife & de Meneteth, filio nostro dilecto;  
Willielmo Comite de Douglas, Johanne de Carrick, Cancellario  
nostro, Jacobo de Lyndesay, nepote nostro, & Hugone de Eglin-  
ton; militibus: Apud Strivelyne, vicesimo-quarto die mensis Au-  
gusti, Anno Regni nostri tertio.

*Carta 62, Rotul. I; Roberti II. confirmatoria  
Littera Thomae Flemyng Roberto Boyd.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus pro-  
bis hominibus totius terrae suae, Clericis & Laicis, Salu-  
tem. Sciatis nos Litteras Thomae Flemyng, dudum Co-  
mitis de Wigton, factas Willielmo Boyd, filio quondam Thomae  
Boyd de Kylmarnock, militis, de mandato nostro visas, lectas,  
examinatas & diligenter inspectas, non vitiatas, non cancellatas,  
non raras, non abolitas, nec in aliqua sui parte suspectas, sed  
omni prorsus vitio & suspicione carentes, intellexisse de verbo  
ad verbum, sub hac forma: " Omnibus hanc Cartam visuris  
" vel audituris, Thomas Flemyng, Comes de Wigton & Domi-  
" nus de Fowlwood, Salutem in Domino. Sciatis me teneri,  
" & per praesentes firmiter obligari dilecto consanguineo meo  
" Willielmo Boyd, filio quondam nobilis & potentis domini  
" Thomae Boyd, militis, Domini de Kylmarnock, haeredibus  
" suis & assignatis, pro suo servitio mihi pro tempore virae suae  
" impenso vel impendendo, in duodecim marcis Sterlingorum,  
" bonorum & legalium, annuatim solvend. eidem Willielmo  
" Boyd, haeredibus suis & suis assignat. per me & haeredes me-  
" os, apud Fowlwood, ad duos anni terminos, per æquales por-  
" tionem; medietatem videlicet, ad Festum S. Martini in hye-  
" me proxim. post confessionem praesentium, & aliam medie-  
" tatem ad Festum Pentecostes proxime inde sequens; & sic  
" de anno in annum, & de termino in terminum, quousque e-

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“ go vel hæredes mei, dictum Willielmum Boyd & hæredes suos  
“ os vel assignatos, infeodavero vel infeodaverint hæreditarie,  
“ de duodecim marcatis terrae, cum pertinentiis, in loco com-  
“ petenti & per modum competentem, infra aliquem vicorum  
“ subscriptorum, videlicet de Dumbartoun vel de Lanark, per  
“ Cartam meam vel hæredum meorum de warrantizantia. Et  
“ si contingat me vel hæredes meos, in solutione dictarum duo-  
“ decim marcarum, vel in aliqua parte solutionis, ad dictos lo-  
“ cum & terminos, dicto Willielmo Boyd, hæredibus suis &  
“ assignatis, ut præmittitur, faciend. deficere, quod absit; ob-  
“ ligo totam terram meam de Salmane, jacentem infra baroniam  
“ de Renfrew, in vicecomitatu de Lanark, in possessione mea  
“ tempore confectionis præsentium existent. cum pertinent. in  
“ manibus dicti Willielmi Boyd, hæredum suorum vel assignat.  
“ sine aliqua contradictione mei vel hæredum meorum, reman-  
“ sur. quousque ego vel hæredes mei, dictum Willielmum Boyd,  
“ hæredes suos vel assignatos, de duodecim marcatis terræ, cum  
“ pertinentiis, ut prædictum est, infeodavero vel infeodaverint.  
“ Et si contigerit, quod absit, quod dictæ duodecim marcæ  
“ Sterlingorum, bonorum & legalium, de dicta terra de Sal-  
“ mane, in manibus dicti Willielmi Boyd, hæredum seu assignat.  
“ suorum nunc existent. per eos non poterint levari; oblige me,  
“ hæredes meos, terras meas, & omnia bona mea mobilia & im-  
“ mobilia, ad voluntatem dicti Willielmi Boyd, hæredum suo-  
“ rum & assignatorum, fore capienda, distringenda, abducenda,  
“ & sine licentia cujuscunque judicis, ecclesiastici vel sæcularis,  
“ vendenda, quousque ego vel hæredes mei, dicto Willielmo &  
“ hæredibus suis vel assignatis, de prædictis duodecim marcatis  
“ terrarum prædictarum, per infeodationem antedictam, satisfe-  
“ cero vel satisfecerint: In cujus rei testimonium, Sigillum me-  
“ um præsentibus est appensum. Datum apud Fowlwood, de-  
“ cimo die mensis Augusti, Anno Domini 1371”. Quas qui-  
“ dem Litteras, in omnibus, punctis, articulis, conditionibus &  
“ circumstantiis suis quibuscunque, forma pariter & effectu, in o-  
“ mnibus & per omnia ratificamus, approbamus, & pro nobis &  
“ hæredibus nostris in perpetuum confirmamus; salvo servitio no-  
stro;



aro. In cujus rei testimonium, præsentem Cartæ Confirmationis nostræ, nostrum præcepimus apponi Sigillum. Testibus venerab. in Christo patribus, Willielmo & Patricio, S. Andrea & Brechin. Ecclesiarum Episcopis; Johanne Primogenito nostro, Comite de Carrick & Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth, filio nostro dilecto; Willielmo Comite de Douglas, Johanne de Carrick, Cancellario nostro; Jacobo de Lyndesay, nepote nostro, Hugone de Eglinton & Roberto de Erskyne, militibus. Apud Perth, vicesimo-quarto die mensis Februarii, Anno Regni nostri quarto.

*Confirmatio Cartæ Davidis II. Johanni de Allincrim. 'Tis the 107 Charter of the 3d. Roll of King Robert III.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem. Sciatis nos Cartam inclitæ memoriæ Domini David Regis Scotoum illustis, avunculi & prædecessoris nostri, visam, lectam, inspectam, & diligenter examinatam, non viciatam, non cancellatam, non rasam, non abolitam, nec in aliqua sui parte suspectam, intellexisse ad plenum, sub hac forma: " David, " Dei gratiâ, Rex Scotorum; Omnibus probis hominibus totius terræ suæ, Salutem. Sciatis nos dedisse, concessisse, & hac præsentem Cartam nostram confirmasse Johanni de Allincrim, " Clerico nostro familiari & dilecto, omnes terras quæ fuerunt " quondam Richardi de Bochyford, in baronia de Crawford-Lindesay, infra vicecomitatum de Lanark; quæ nos contingunt ratione forisfacturæ Willielmi de Bochyford, filii & hæredis dicti quondam Richardi, contra pacem & fidem nostram " existentis. *Tenend. & Habend.* eidem Johanni & hæredibus suis, de capitali Domino dictarum terrarum, in feodo & hæreditate, per omnes rectas metas & divisas suas; libere, quiete, plenarie, integre & honorifice; cum omnibus libertatibus com-

" commod. aysiamētis & iustis pertinentiis quibuscunque. *Fa-*  
 " *ciendo* inde capitali Domino dictarum terrarum, præfatus Jo-  
 " hannes & hæredes sui, servitium de prædictis terris, cum per-  
 " tinentiis, debitum & consuetum. In cujus rei testimonium,  
 " præfenti Cartæ nostræ, Sigillum nostrum præcepimus apponi.  
 " Testibus venerab. in Christo patribus, Willielmo & Patricio  
 " Cancellario nostro, Sancti Andree & Brechinen. Ecclesiarum,  
 " Dei gratiâ, Episcopis; Roberto Senescallo Scotiæ, Comite de  
 " Stratherne, nepote nostro carissimo; Patricio de Dumbar, Co-  
 " mite Marchiæ & Moraviæ, Thoma Comite de Marr; dile-  
 " ctis consanguineis nostris, Willielmo Comite de Fyfe & Johan-  
 " ne de Preston, militibus. Apud Edinburgh, duodecimo die  
 " Aprilis, Anno Regni nostri vicesimo-octavo". Quam qui-  
 " dem Cartam, donationemque & concessionem in eadem conten-  
 " tas, in omnibus punctis suis & articulis, conditionibus & modis,  
 " ac circumstantiis suis quibuscunque, forma pariter & effectu, in  
 " omnibus & per omnia, approbamus, ratificamus, & pro nobis  
 " & hæredibus nostris in perpetuum confirmamus; salvo servitio  
 " nostro: In cujus rei testimonium, præfenti Cartæ nostræ confir-  
 " mationis, nostrum præcepimus apponi Sigillum. Testibus vene-  
 " rab. in Christo patre, Willielmo Episcopo Sancti Andree; Jo-  
 " hanne Primogenito nostro, Comite de Carrick & Senescallo Sco-  
 " tiæ; Roberto de Fife & de Meneteth, filio nostro dilecto; Wil-  
 " lielmo de Douglas & de Marr, Comitibus, &c. Apud Rensfrew,  
 " vicesimo-quarto die mensis Octobris, Anno Regni nostri sep-  
 " timo.

*Confirmatio Roberti II. Donationis Laurentii  
 de Haya de Easter-Kindy, Rotul. 4.*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus probis  
 hominibus --- Sciatis nos Cartam Laurentii de Haya de  
 Easter-kindy, de mandato nostro visam, inspectam, lectam  
 & diligenter examinatam, de verbo in verbum intellexisse, sub  
 hac forma: " Omnibus hanc Cartam visuris vel auditoris, Lau-  
 rentius

“rentius de Haya, Dominus de Easter-Kindy, Salutem in Do-  
“mino sempiternam. Noveritis me dedisse, concessisse, cum  
“consensu & assensu Finlai de Haya, filii mei & hæredis; &  
“hac præsentī Carta mea confirmasse, dilecto meo & speciali Jo-  
“hanni Clerico, omnes terras meas de Lonyanys, jacentes in-  
“fra Vicecomitatū de Innernys, cum pertinentiis, in purum  
“& liberum maritagium cum Margareta filia mea. *Tenend. &*  
“*Habend.* dicto Johanni & Margareta, conjunctim & divisim,  
“vel eorum alteri diutius viventi, & hæredibus suis inter ipsos  
“procreatis seu procreandis; quibus forte deficientibus, mihi  
“& hæredibus meis quibuscunque; cum omnibus commod. li-  
“bertat. & ayssiamentis; in viis, semitis, boscis, planis, moris,  
“maresiis, turbariis, petariis, aucupationibus, venationibus,  
“piscationibus, molendinis & multuris, pascuis, pratis & pa-  
“sturis, curiis & exitibus earundem, & cæteris omnibus perti-  
“nentiis suis, ad dictas terras spectantibus quomodolibet, pro-  
“pe & procul, tam subtus terra quam supra terram, tam non  
“nominatis quam nominatis --- spectare valent. in futurum; li-  
“bere, quiete, plenarie & honorifice, sine aliquo retinemento,  
“in perpetuum. *Reddendo* inde domino capitali earundem, ser-  
“vitium debitum & consuetum. Quas quidem terras de Lo-  
“nyanys, cum pertinentiis, ego Laurentius de Haya, & Fin-  
“laus de Haya filius meus prædictus, & hæredes nostri, dictis  
“Johanni & Margareta sponsæ suæ, & hæredibus suis, in for-  
“ma præmissa warrantizabimus, acquitabimus, & contra omnes  
“homines & fæminas, pro servitio prædicto faciendo, in perpe-  
“tuum defendemus. In cujus rei testimonium, præsentī Car-  
“tæ meæ Sigillum meum est appensum. Datum apud Perth,  
“in festo S. Andreæ Apostoli, Anno Domini, 1376. Hiis te-  
“stibus, David de Grahame milite; Thoma de Haya, Domi-  
“no de Errol, Constabul. Scotiæ; magistro Roberto Gatmill,  
“magistro Johanne Sommervill, Johanne Rollo, Nicholao de  
“Haya, Willielmo de Bergyll, Hugone de Abernethy, Williel-  
“mo de Lychou, ac multis aliis”. Quam quidem Cartam, in  
“omnibus punctis, articulis, conditionibus & modis, ac circum-  
“stantiis suis quibuscunque, forma pariter & effectu, in omnibus

& per omnia, approbamus, ratificamus, & pro nobis & heredibus nostris in perpetuum confirmamus; salvo servitio nostro. In cujus rei testimonium, presenti Cartæ Confirmationis nostræ, nostrum præcepimus apponi Sigillum. Testibus venerab. in Christo patre Willielmo Episcopo S. Andree; Johanne Primogenito nostro, Comite de Carrick, Senescallo Scotiæ; Roberto Comite de Fife & de Meneteth, filio nostro dilecto; Willielmo Comite de Douglas, consanguineo nostro; Johanne de Carrick, Cancellario nostro; Hugone de Eglinton, Jacobo de Lyndesay, nepote nostro, & Roberto de Erskine, militibus. Apud Perth, ultimo die Novembris, Anno Regni nostri quinto.

The last Argument I shall adduce, is taken from the Title of *Seneschallus*, retained in the foregoing Charters by John Earl of Carrick. This Office is mentioned P. 5 of our Laws, ascrib'd to Malcom Mac-Kenneth; but not fully defin'd: For all that we can gather from that Chapter, entituled, *De Feodo Seneschalli Domini Regis, & aliorum domesticorum*, is, That his Fees, or Honorary, amounted to 40 Pound; *Item, ordinaverunt pro feodo Seneschalli domus Domini Regis, 40 Lib. Art. 1.* And that he had a Power and Jurisdiction over the Household and Under-officers; such as, the *Clericus liberationis*, whom Skeen alledges to be the Clerk of the Liveries, and I take to be the Comptroller, *Clericus Comptorum*: The *Clericus de Coquina*, the *Panetarius*, *Butticularius*, the *Pistor*, *Brassiator*, *Magister Cocus*, the principal Officer of the Kitchen, called in French *Le Maitre Queux*, *Lardarius*, *Janitor Ostiarius Coquina*, *Ostiarius Aula*, *Ostiarius ad Cameram Regis*, *Factor ignis in aula*, and other Servants *de minori statu*, whose Salaries are either specified and determin'd in the different Articles of the said Chapter, or referr'd to the Steward; as appears by the last Article: *Item, omnes alii ministri Regis de statu minori, quilibet habebit quadraginta solidos pro feodo suo, vel per considerationem Domini Seneschalli, vel aliorum de Concilio Domini nostri Regis.* From which Court, where the Steward presided, and all domestic Affairs were discussed, 'tis probable that the Name *Seneschallus* was deriv'd; for *Sen*, in the old Language, signifies *Justitia*, and  
*Scalus*,



*Scalus; Præfectus*; so that *Seneschallus* must be *Justitiæ Præfectus*. Accordingly, in the *Pratiques of Normandy*, *le Grand Coutumier de Normandie*, Chap. 10, the Great *Seneschal*, is a Judge appointed for amending the Failings and Abuses of the inferiour Courts: In *Britanny*, where I resided several Years, the Judges of *Fougeres* and *Vitry* were called *Seneschaux*. In the Book of *Hugh de Cleriis*, printed in the 4th Tome of *Andrew de Chesne*, *inter Scriptores historicos Francorum*, the Count of *Anjou* is called Steward of France, or, Judge of the King's Household, *Seneschallus*. King *Robert* gave this Office perpetually to *Geofroy Grisogonell*, Earl of *Anjou*, as a Reward for his Services done to the Crown; whilst *Hugh Capet* was alive, *Foulques* his Son, *Geofroy Martel* his Grandchild, as also *Foulques*, Grand Nephew to *Geofroy Martel*, King of *Hierusalem* and Earl of *Anjou*, succeeded him in that Dignity. Under this Last it is clear, that all Civil Actions at Court were finally determined by the Steward, as Judge. Item, quando erit in Francia, [viz. Comes Andegav.] quod & Curia sua judicaverit, firmum erit & stabile: Si vero contentio aliqua nascatur, judicio facto in Francia, Rex mandabit quod Comes veniat illud emendare; & si pro eo mittere noluerit, scripta utriusque partis Comiti transmittat, & quod inde sua Curia judicabit, firmum erit & stabile. Ego Hugo de Cleriis vidi multoties judicia facta in Francia, in Andegavia emendari. Comment. Hugonis de Cleriis.

Amongst us, *Marcow Mac-Kennedy*, *Seneschal* to *Duncan* Earl of *Carrick*, was Judge of that Country *Alexandro II*. *Gilbertus de Home*, *Seneschallus Comitis Patricii*, mentioned in the Records of *Durham*, was Judge of the *Merse*. *Absolon*, *Seneschallus Maldoveni Comitis*, was Judge of *Lennox*, Anno 1238, *Cart. Arbroth*. P. 310. And *Rogerus Seneschallus de Passelet*, Witness to a Charter of *Dufgallus*, Brother to the Earl of *Lennox*, P. 319 *Cart. Passelet*. was Judge of what Lands were subject to that Abbot's Jurisdiction. Nevertheless the President *Fauchet*, in his elaborate Treatise of the Origin of the Dignities and Magistrats of France, Chap. 10, derives the Word *Seneschallus* from *Scalco*, or *Siniscalco*, which is interpreted, in the old French Language, *Præpositus mensæ*. *Vossius, de vitiis sermonis*, calls him *Regiæ mensæ Præfectus*, OEcono-

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mus, *Architriclinus*. And so he is named by *Aimoin*, *Lib. 4, Cap. 78*. *Regino Prumiensis* calls him *Princeps Coquorum*; and others, from the *Teutonic*, *Dapifer*, who hath care of the Meat, or Flesh. *Hincmar* Archbishop of *Rheims*, *Epist. 3, Cap. 23*, describes his *Prerogatives*: And *St. Bernard*, in his 78 *Epist. ad Sugerium*, *Abbatem Sancti Dionisi*; wherein he complains of *Stephen* \* of *Garland*, Arch-deacon of *Paris* and Chancellor of *France*, gives us a just Notion of that Employment, in the following Words: *Par satis utrobique abusus, siue quod Diaconus mensæ Regiæ deputetur ministerio, siue quod Regis Dapifer misteriiis Altaris inserviat. Quis sane non miretur, immo & detestetur, unius esse personæ & armatam ducere militiam, & Alba Stolaque indutum, in medio Ecclesiæ pronunciare Evangelium? Tuba indicere bellum militibus, & iussa Episcopi populis intimare? --- Curiam, Ecclesiæ præfert; Regis mensam, Altari Christi; & Calici Domini, Calicem damoniorum: & paulo post, cum sit Archidiaconus, Decanus, Præpositusque in diversis Ecclesiis, nihil horum tamen, tam eum quam Regis delectat vocitari Dapiferum.*

We have a fuller Account of this Dignity, given by *Hugo de Cleriis*, apud *Sirmondum*, in *calce notarum ad Epistolas Goffridi Windocinensis*, as follows: *Si vero ad Coronamenta Regis Comes ire voluerit, viz. the Earl of Anjou, Great Seneschal of France, to whom the Superiority and Feu-duties of that Office belonged, Seneschallus liberare & preparare faciat hospitium, quod Comes habet proprium & debitum. Cum autem die suæ coronæ, ad mensam Rex discubuerit,*

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\* The Chronicle of *Marigny*, written about the same Time, tells us, That thus *Stephen de Garlande*, being puff'd up with his good Fortune, was so bold as to offend *Queen Adela*, Spouse to King *Lewis*, surnamed *Grossus*; upon which Account he was turned out of Court, and lost his Master's Favour: That shortly after he revolted against the King, with some of his Allies, who were Men of great Authority: But Peace being concluded, and the Wars ended, he was reduc'd to pass the Remnant of his tedious Days at *Orleans*, upon the River *Loire*; being Dean of the Cathedral Church of that City, but never Bishop of *Paris*, as *Duplex* and some other French Writers have alledged, taking, by Mistake, *Stephen* Bishop of *Paris*, of the same Name, who was cotemporary, but neither Chancellor nor Steward of *France*, for *Stephen* of *Garland*, Lord of *Livry* and *Gournay*, near the Capital of that Kingdom, who discharged these eminent Offices for several Years.

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*tubuerit, scamnum pulcherrimum, fulchro pallii aut tapeto coopertum, Seneschallus (the Under-Seneschal, or ordinary Seneschal of France, of the Family of Garland) præparabit, ibique Comes, quousque fercula veniant, sedebit: Cum vero primum venerit ferculum, Comes, se defibulans, a scamno surget, & de manu Seneschalli ferculum accipiens, ante Regem & Reginam apponet, & Seneschallo præcipiat, ut exinde per mensas seruiat,; & Comes retro sedebit donec alia veniant fercula, & quemadmodum super primo fecit, de aliis similiter faciat. Finita demum celebratione mensarum, Comes equum ascendet, & ad suum redibit hospitium, Seneschallo comitante. Deinceps, equus ille quem Comes adduxerit ad curiam, dextrarius, viz. coquo Regis feudaliter dabitur. Pallium, quo in curia affibulatus erit, dispensatori dabitur, (auchef d'office) sciz. post prandia. Tunc Pannetarius mittat Comiti duos panes, atque vini sextarium, & coquus, frustum carnis atque vini hanstium. Hac est enim liberatio Seneschalli illo die. Hac fercula accipiat Seneschallus Comitis, atque dabit leprosis.*

All which shows us, That the two most important Functions of the Steward, were to serve the King and Queen at Table on all public Ceremonies and solemn Days, and to oversee and rule the Household: Upon which account there were several Lands reserved for suppling his State and Dignity: In Scotland, the same Duties were annexed to this Office; his Jurisdiction was extended over the King's Table, Castles and Household: Hence he was called first, *Dapifer Regis*, then *Seneschallus Scotia*, for distinguishing him from the petty Officers belonging to the Earls or Bishops in the Country, who went under the like Designations; for amongst the Witnesses to the Foundation of *Caldstream*, by *Cospatrik* Earl of *Dumbar*, I find \* *Haldanus* stil'd *Dapifer*: And in a Confirmation of *Layval*, *Birgham*, and the Church of *Hari-*  
D d
shille,

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\* A learned and worthy Writer of late hath fancied, P, 382 of his *Collec-*  
*tions*, that this *Aldanus*, or *Haldanus*, Witness to *Waldewe's* Charter of *Dun-*  
*dass*, was Father to *Walter I.* Predecessor to our Kings. Notwithstanding I  
 have all dutiful Regard for his Sentiment elsewhere, yet I must here be al-  
 lowed to be of a different Opinion: imo, Because *Aldanus* is design'd *filius Al-*  
*femeidi*, in a Charrer granted by King *David* to *Thurstin* Archbishop of *York*,  
who

X

*sbille* to *Coldinghame*, by the same *Cospatricius Comes*, *Lambekin* is named *Dapifer*. There were many Mannors, Shires and Baronies belonging to the same Office. It was hereditary amongst us, as it was in *France*, and had been possess'd, by a constant Succession from Father to Son, by the undoubted lawful Heir, since *Walter* the Son of *Allan*, who is Witness to King *David's* Charters at *Carlisle*, in 1150; to King *Robert's* Accession to the Crown, in 1371. At which Time *John* Earl of *Carrick* succeeded to that Honour, (which had given the Sirname to his Family) not by any peculiar Charter or Grant, but by the ordinary Course of Law, whereby the eldest lawful Son succeeds to all hereditary Employments which the Father cannot discharge personally, and by himself.

From all these weighty Reasons 'tis clear, That the Earl of *Carrick* behov'd to be no Bastard, and his Mother, no Concubine, but regularly married to the *Steward*, not in 1340, as Mr. *Inness* and Dr. *Gray* fancy; nor in 1339, as Mr. *Hearne* believes; nor in 1337, or in 1338, as Mr. *Sage* gives out: But in 1334, as I shall clearly prove; otherwise he had been debarr'd from the Succession, according to what Principles I have laid down in the Beginning of this Book, P. 2 & 3.

It appears indeed, that Mr. *Sage* hath foreseen the bad Consequences that naturally flow'd from these false Calculations, made by the Publisher of the *Carta authentica*, and the other Writers who have undertaken King *Robert's* Defence. Whereupon he hath distinguished two different Marriages; the one, called amongst us, *Desponsatio clandestina*; the other, a legal and canonical

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who was consecrate at *Rheims* by Pope *Calixtus III.* and died at *Pontefract*, in 1140. whereas the Other's Father is no where mentioned. 2do, Because *Aldanus's* Son is named *Cospatrick*, *Cospatricius filius Aldan*, in the Inquisition made by *David* Earl of *Cumberland*, of the Lands belonging to the Church of *Glasgow*: Whereas the Other's Son is *Walterus filius Alani*. And 3tio, Because *Alanus* was cotemporary to *Macbeth* and *Malcolm III.* and *Aldanus*, to *Cospatrick* Earl, who died in 1066, and to his Son Earl *Waldeve*, who died in 1181. to whom he was *Steward*, or *Dapifer*, and not to the King; for he is simply nam'd *Dapifer*; whereas the *Steward of Scotland* is called *Dapifer Regis Scotiae*.



nonical Marriage, after the Dispensation was procur'd from *Avignon*, once the Residence of the Popes; which is understood by the Schoolmen to be, "*Maris & Fœminæ indissolubilis conjunctio, quæ, mutuo & legitimo contrahentium consensu, per verba de præsentî, in conspectu Ecclesiæ expresso, conficitur, cum maturam connubio ætatem personæ idoneæ attigerint*". This Distinction hath no other Ground nor Foundation, than a bare Conceit of its Contriver; neither does it come up to the Purpose. But let his Scheme be allowed; let the private Marriage be patch'd up in 1335 or 1336, *nemine præsentē, & sine Sacerdotali benedictione, in nuptiarum solemnitatibus adhiberi consueta, ut pericula quæ ex clandestinis copulationibus suboriri possunt, excludantur*: Let the legal Marriage be contriv'd and solemnized in 1337, or in 1338; *ut occultum Matrimonium, ex mutuo contrahentium consensu initum, nova, libera & aperta amborum confessione, in Templo, coram Parocho proprio & testibus facta, confirmetur, & conjugalis vinculi firmitatem & robur accipiat*; John Earl of Carrick will be constantly found spurious: For notwithstanding that we know, "*That solus inter duos consensus, non turpis utriusque sexus commixtio, Matrimonium efficit; nec ad necessitatem conjugii requiritur, ut contractus Matrimonii, præsentibus testibus, aut consensu parentibus, transigatur*". *Concil. Trident. Sess. 24, Cap. 1. de Reformat. Matrimon.* Yet if the Steward had kept and enjoyed *Elizabeth*, under the Shadow of a private Marriage, *nullis factis aut adhibitis solemnitatibus*; or if *Elizabeth* had kept Company, or lived as Wife with the King, whilst he was a Subject, *spe dispensationis consequenda*, John, who is suppos'd to have been born before the Dispensation was brought from *Avignon*, in the County of *Venaſcin* in *Provence*, would certainly have been accounted a Bastard; because his Father and Mother were in the forbidden Degrees of Consanguinity or Affinity, *constante occulto matrimonio*: "*Nam impedimentum infra quartum gradum proveniens, ex affinitate sive consanguinitate, Matrimonium contractum & consummatum, non impetratis ab Oratoribus Litteris Apostolicis dispensationis, irritum facit*". According to the Canon Law. And the famous Council of *Lateran*, held at *Rome*

Rome in 1215, under Pope *Innocent III.* Cap. *Cum inhibitio*, in the following Terms: "Cum inhibitio copulæ conjugalis sit in ultimis tribus gradibus revocata, eam in aliis volumus districte servari; unde prædecessorum nostrorum vetustis inhærendo, clandestina conjugia penitus inhibemus: Prohibentes etiam, ne quis Sacerdos talibus interesse præsumat". Et Cap. Si, "Si quis vero hujusmodi clandestina vel interdicta conjugia inire præsumpserit, in gradu prohibito, etiam ignoranter, folles de tali conjunctione suscepta, prorsus illegittima censetur, de parentum ignorantia nullum habitura præsidium --- Pari modo, proles illegittima censeatur, si ambo parentes, impedimentum scientes legitimum, præter omne interdictum, etiam in conspectu Ecclesiæ, contrahere præsumpserint". This Constitution of Pope *Innocent*, which was made in Presence of 412 Bishops, gathered from all the Corners of this visible World, destroys entirely Mr. *Sage's* System; for thereby all private Marriages are forbidden, as odious, and directly contrar to the good Order of the Church and Government; and the Children of such Persons as are related in *gradu prohibito*, in the forementioned-Degrees, and yet contracts, either privately, *sub prætextu ignorantia*, or publickly, *habita impedimenti notitia*, without a Licence from his Holiness, are declar'd unlawful, *etiamsi publicatio sponsalium, ante conjunctionem, tribus diebus festivis, non immediate se invicem sequentibus, sed per aliqua dierum intervalla a se distantibus, in Ecclesia, coram multitudine fuerit proposita*: Which is a Formality requir'd by the Rituals of *St. Andrew's* and *Holy-rood-house*, for perfecting the canonical or legal Marriage; for altho' a Child begotten in Fornication betwixt two single Persons, or during the Concubinate, is legitimate by the subsequent Marriage, according to the Imperial and Canon Law, *virtute supervenientis matrimonii*; altho' a Man and a Woman, no ways related, and privately married, *antequam facta fuerint denunciationes*, against the preceeding Constitution, which was universally received, may obtain a Dispensation for marrying thereafter publickly, *peracta salutari pœnitentia propter stuprum*, and thereby the Child may be sufficiently qualified for the Succession; yet if they be privately mar-

married in gradibus prohibitis, & subsecuta fuerit carnalis copula; the Child so procreate will be constantly look't upon as a Bastard; and there will be no Dispensation granted thereafter to the Parents, for a 2d Marriage. The general Reason assigned by the Canonists is, *Propterea quod tales consanguinei & affines, per hanc carnalem copulam, redditi sunt inhabiles ad contrahendum matrimonium, ex eo quod dicantur commississe incestum, qui impedit incestuosos contrahere.* Repelling then the private and suppos'd Marriage, made at random by Mr. Sage, I must conclude, That the Steward having purchas'd a Dispensation, and the Case adduc'd in his Libel being fully proven by Witnesses, and all Things discuss'd before the Bishop, as Subdelegate; (*Quia Episcopus, autoritate ordinaria, (according to the Canon Law) non habet facultatem in gradibus affinitatis seu consanguinitatis a jure prohibitis, inter contrahentes matrimonia, dispensandi*) Obtained, by his Decree, a Licence to marry Elizabeth More, his Cousin, under the Conditions mentioned in the Minute; and accordingly, that the Ceremony was actually performed by Roger Mac-Adam, Chaplain, no doubt, or Curate to Rowallan, Anno 1334. At which Time the Castle of Dunholm in Coile, being surrendred, Allan de Lyle, Sheriff of Bute, being kill'd, Carrick, Kyle, Cunninghame and Renfrew, the Steward's private Inheritance, being returned to their Duty, he behov'd necessarily to marry, for securing the Succession in his Family, and preventing all Disorders that might arise by the Balliol, in case he came to die without Issue, being then 19 Years of Age.

I am loth any more to disturb Mr. Sage's Ashes; yet by the way I must notice, That that good old grey-headed Writer hath no Shadow nor Ground to reflect, in his *Introduction to Hawthornden's Works*, P. 30, upon Sir James Dalrymple, one of the most religious, most learn'd, and most judicious Gentlemen of our Country; since Major makes use of the very same Words and Expressions that are found in Fordun's Continuator, as may be seen by comparing their Passages in the following Table.

E e

Codex

*Codex Hayanus, L. 17,*  
*Cap. 21. \**

" Iste Robertus copulavit sibi  
" de facto unam de filiabus Adæ  
" More, militis, de qua genuit  
" proles; quam postea, impe-  
" trata dispensatione, in matri-  
" monium desponsavit, ut postea  
" dicetur; ex qua genuit Rober-  
" tum III. Regem; Robertus  
" III. Jacobum Regem I. hoc  
" nomine: Jacobus I. Jacobum  
" II. Regem, qui nunc superest.

*Codex Hayanus, L. 34,*  
*Cap. 28.*

" Et est notandum, Quod  
" prædictus Robertus Rex, de  
" Domina Elizabeth, filia Do-

*Johannes Major, Lib. 4.*  
*Cap. 17, in Geneal.*  
*Jacobi V. Fol. 76.*

" Iste Rex de facto unam de  
" filiabus Adæ Mure, militis,  
" sibi copulavit, quam postea,  
" per dispensationem, uxorem  
" duxit: ex qua Robertum III.  
" genuit; & Jacobum I. Rober-  
" tus III. procreavit; & Ja-  
" cobum II. Jacobus I genuit.  
" Et Mariam Ducis Geldria fi-  
" liam, Jacobus II. in uxorem  
" duxit; de qua tres filios &  
" natas duas procreavit, &c.

*Johannes Major, de ge-*  
*stis Scotorum, L. 6,*  
*Cap. 6, Fol. V. 121.*

" Ex Elizabetha filia Domini  
" Adæ Mure, tres filios Rober-  
mini

\* This Book is a large Folio, of Bowmaker, written at Inch Colm, in glorious Characters. It belonged to the Abbey of Coupar, afterwards, to Sir William Saintclair, Lord Justice General. Sir Lewis Stewart purchased it, after the Castle of Roslin was surrendered to General Monk; and falling to his Son, it was lent by my Aunt Lady Kettlestoun, his Spouse, to Mr. Andrew Hay, my Uncle, not my Father, as the Lord Bishop of Carlisle calls him, P. 97 of his Scots Historical Library; my Father being Captain George Hay, a younger Son of Sir John Hay, Lord Register; and my Mother, Dame Jean Spotiswood, Lady Roslin, Daughter to Sir Henry Spotiswood, High Sheriff of Dublin and Gentleman of the Green Cloth. I recovered it from the Rabble, and carried it beyond Seas. It is more complete than any Manuscript I have found Abroad or met with at Home, and will shortly be published.



*Codex Hayamus.**Johannes Major.*

“ mini Adam de More, genuit  
 “ tres filios, scilicet Johannem,  
 “ qui postea fuit Rex, & Ro-  
 “ bertum Ducem Albanæ, ac  
 “ præmissum Alexandrum, Co-  
 “ mitem Buchanæ, qui vulgo  
 “ dicebatur *Lupus de Badyrach.*  
 “ Dehinc desponsavit Dominam  
 “ Eufemiam, filiam Hugonis Co-  
 “ mitis Rossensis; de qua ge-  
 “ nuit Walterum Comitem A-  
 “ dolphæ --- & David Comitem  
 “ de Stratherne. Sed mortua  
 “ Regina Eufemia, desponsavit  
 “ præmissam Dominam Eliza-  
 “ betham; & sic, virtute supervenientis matrimonii secundarum  
 “ nuptiarum, legitimati sunt dicti fratres, Johannes, scilicet, Ro-  
 “ bertus & Alexander; quia, secundum Canones, matrimonium  
 “ sequens legitimat filios natos ante hujusmodi matrimonium.

There's no Man that understands perfectly the *Latin Tongue*; and is willing, seriously and with Attention, to read the foregoing Passages, but will acknowledge, That the Word *Elizabeth* is transposed for *Euphame*; and that *Major's* Sentiment is the same with that of *Bowmaker* and his Transcribers: Which appears clearly from the Extract, thus, *Mortua enim Eufamia Regina, hanc Elizabetham in conjugem accepit.* In which Case, the Pronoun *hanc* may be very well applied to *Elizabeth*, without any Grammatical Escape; and *illam* was no ways necessary, since *Euphame* was supposed to be dead.

Moreover, *Euphame* was lawfully married to *John Randolph Earl of Murray*, who was kill'd at the unfortunate Battle of *Durham*, in 1346. At which Time *Elizabeth More* was dead. Nei-  
 ther were ever *Euphame's Children* suspected to have been un-  
 lawfully.

lawfully begotten by the King, nor was there any Dispensation procur'd when he took her to his Wife. So it being evident from *Major*, *Lib. 4, Cap. 17*, that the *Steward unam de filiabus Adæ Mure de facto sibi copulavit* (which Words do not signifie that he married her privately; for *copula carnalis* imports, in the Civil Law, a base and scandalous Conjunction of a Man and Woman, not join'd together, by a lawful Bond, in Marriage) and naming that Daughter, *Lib. 6, Cap. 6, Elizabeth*, Mother to *John, Walter, Robert and Alexander*, before he espoused *Euphame*; and even assuring us, in the Bosom of the Paragraph, *Lib. 4, Cap. 17*, that there was a Dispensation procur'd for marrying her: 'Tis manifest, that the Sentence in the 6th Book, Chap. 6, *Et matrimonii gratia, proles legitimata sunt*, hath a Reference to the Dispensation, which was purchas'd as the most proper and most effectual Method and Means for legitimating *Elizabeth's* Children begotten in Fornication: And consequently, that the Error in *Major* proceeds from transposing the Words *Elizabeth Regina*, for *Euphemia Regina*; as *Sir James Dalrymple* hath modestly observed, P. 40 of his *Preface* to the *Collections* concerning the *Scots History*: Which immortal Book, will be an everlasting Testimony of his extraordinary Abilities, and peculiar Skill in Antiquities and History: For if the literal Meaning and Text which are forc'd by *Sage*, were press'd or admitted against the true Sense, *Major* would certainly deserve the uncharitable Character *George Buchanan* hath left of him, *Lib. 1 Epigram*.

*In Johannem, solo cognomine, Majorem.*

*Cum scateat nugis, solo cognomine, Major,*

*Nec fit in immenso pagina sana libro;*

*Non mirum, titulis quod se veracibus ornat,*

*Nec semper mendax fingere Creta solet.*

For his Account would not be found exact nor sufficient, *Euphame* having never been considered as a Concubine, nor *Elizabeth*, as Queen of *Scotland*.

The

The Example Mr: *Sage* adduces for supporting his Scheme, of a Man who had successively Three Wives in one Year, is a very wild and extravagant Conceit, and makes me smile. I do not indeed question but such a Thing hath falln out amongst some incontinent and debauch'd Persons: But we have no such Thing recorded in History; nor has ever any such Fact, so far as I can learn, happened amongst Christian Princes, whose magnificent Palaces appear mournful and melancholly for a long Tract of Time, after the Loss of their Ladies. Neither can it be allowed in the present Case, since *Elizabeth* was reduced to Dust in 1364, according to the *Authentic Charter*, mentioned P. 42; and according to King *Robert III.* his Confirmation of the Lands of *Thornle*, in 1357. And Queen *Euphame*, who died only in 1387, was undoubtedly married to the Earl of *Stratherne* in 1370; as is clear from a Document recorded in the Collection of King *David's* Charters, cited P. 49, which leaves no Room for naming *Elizabeth* Queen.

I have chearfully embraced this pretious Opportunity, for vindicating my worthy Friend, (for whose Memory and eminent Family, I shall ever have a singular Regard, and a just and dutiful Respect and Consideration) from the bitter Invectives and sharp Satyr, penn'd, with a great deal of Heat and Passion, by Mr. *Sage*, whilst he was displac'd, chagrin'd and out of Humour. And with this I shall dismiss the Reader, after I have acquainted him, That this peevish Author ridiculously supposes, P. 42, *Morham* to be insert, by Contraction, for *Mariotam*, by the noble Earl of *Cromerty*, P. 43 of his *Vindication of Robert III.* which deserves a better Edition: Yet 'tis universally known, that he never consulted the public Registers, where the Patent is set down *verbatim*, as follows, in the 8th Roll of King *Robert II.* his Charters, Num 29. Wherein *John Stewart*, begotten on *Morham*, is distinguished from the Children begotten upon *Mariota de Cardny*, his other Concubine.

[ 114 ]

*Carta Roberti II. Johanni Seneschalli, filio  
suo spurio, de terris de Ballachys,*

**R**OBERTUS, Dei gratiâ, Rex Scotorum; Omnibus---  
Sciatis nos dedisse, concessisse, & hac præsentî Carta nostrâ  
confirmasse dilecto filio nostro Johanni Seneschalli, genito  
inter nos & dilectam nostram Moram, omnes & singulas terras  
nostras de Ballachys, Muernate & de Mukesy, cum pertinentiis,  
in Thanagio de Kynclevyn, infra Vicecomitatum de Perth. *Tenend. & Habend.* eidem Johanni & hæredibus suis, de corpore suo  
legittime procreandis; quibus forsan deficientibus, dilecto filio  
nostro Jacobo Seneschalli, genito inter nos & Marioram de Card-  
nay, & hæredibus suis de corpore suo legittime procreandis;  
quibus utique forsan deficientibus, Alexandro Seneschalli, dile-  
cto filio nostro de dicta Mariota, & hæredibus suis de corpore  
suo legittime procreandis; quibus etiam forsan deficientibus, di-  
lecto filio nostro Johanni Seneschalli, de eadem Mariota genito,  
& hæredibus suis de corpore suo legittime descensuris; quibus  
similiter fortasse deficientibus, ad nos & hæredes nostros Reges  
Scotiæ, plenarie & perpetuo reversur. de nobis & hæredibus no-  
stris, in feodo & hæreditate in perpetuum; libere, quiete, ple-  
narie, integre--- per omnes rectas metas & divisas suas, anti-  
quas & novas; in domibus & maneriis, boscis & planis, moris,  
maresiis, viis, semitis, aquis, stagnis & rivulis, ac lacubus, pe-  
tariis, turbariis, vivariis, pratis, pascuis & pasturis, aucupat. ve-  
nation. & piscariis, molendinis, multuris, & eorum sequelis, an-  
tiquis & novis; cum curiis, curiarumque sectis, exitibus, escha-  
etis; cum tenandiis--- natis, bondis--- *Reddendo* inde nobis an-  
nuatim, & hæred. nostris, unum denarium argenti, nomine Albæ-  
firmæ, apud Ballachys, si petatur tantum; pro wardis, releviis,  
maritagiiis--- In cujus rei testimonium--- *Testibus*--- Apud  
Perth, decimo-quinto die Januarii, Anno Regni nostri duodecimo.

APPEN-



# APPENDIX,

Containing the Copies of several *Charters* relating to the preceeding *VINDICATION*: With some Historical and Critical Remarks by the AUTHOR.

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## Num. I.

*Copy of an Instrument taken at Scoon, in 1371, by JOHN Earl of Carrick, after he had been Own'd and Acknowledged, in a public Meeting, as Righteous Heir to King ROBERT, and Undoubted Successor to the Crown. Taken from the Original, of late somewhat defac'd. Mentioned P. 4.*



IN Nomine sanctæ & individuæ Trinitatis, PATRIS, & FILII, & SPIRITUS SANCTI. Amen. Anno, ab Incarnatione Domini, Millesimo, trecentesimo, septuagesimo-primo, secundum morem & computationem Ecclesiæ Scotticæ, mensis Martii, die vicesimo-septimo. Serenissimus Princeps Dominus Robertus, Dei gratia, Rex Scotorum illustris, apud Scoonam, tempore suæ Coronationis, existens; assistentibus sibi Prælatibus, Comitibus, Baronibus, ac cæteris de Clero & Populo Regni sui; post sacra † Unctionis & Coronationis suæ peracta solemnità, factaque declaratione juris, quo idem Serenissimus Princeps successit, ac succedere debuit, Domino David Regi Scotiæ, avunculo & prædecessori suo, tam proximitate sanguinis, quam ex quadam declaratione, per quædam instrumenta confecta, tempore inclitæ memoriæ Domini Roberti Regis Scotiæ,

avi

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† See the End of this Appendix.

avi & prædecessoris ipsius Domini nostri Regis, ibidem exhibita atque lecta: Nec non, receptis hommagii & fidelitatis solitis juramentis ab ipsis Prælati, Comitibus, Baronibus, & aliis de Clero & populo ibidem existentibus, in Coronatione Regum Scotiæ ab olim præstari consuetis & debitis: Volens, more & exemplo celebris memoriæ ejusdem. boni Regis Roberti, avi sui, coram Clero & Populo, Successorem & verum Hæredem suum declarare ibidem, licet de ipso clare constitit atque constet; ex habundanti & unanimi consensu & assensu dictorum Prælatorum, Comitum, Procerum & Magnatum, Indicavit, Afferuit & Recognovit, Declaravit & Voluit, Quod cum ipsum contigerit, pro dispositione Divina, ab hac luce migrare, Dominus *Johannes, Filius suus Primogenitus, Comes de Carrick & Seneschallus Scotiæ*, erit, & esse debet, verus & legitimus Hæres suus, ac sibi, post mortem suam, in Regno Scotiæ, Domino disponente, succedet, & succedere debet, & post eum sedebit, & sedere debebit, super solium Regni sui. Qua Declaratione sic facta per ipsum Dominum nostrum Regem, de præfato Primogenito & Hærede suo, ex habundanti, ut supra, unusquisque Prælatorum, Comitum, Procerum, Magnatum, & aliorum ibidem existentium, voce propria, singulatim, pro se, hæredibus & successoribus suis, Afferuit, Affirmavit, Declaravit, Recognovit & Voluit, Quod idem Dominus *Johannes*, post mortem præfati Patris sui superstes & vivus, sit, Divina favente gratia, futurus Rex Scotiæ, tanquam Hæres legitimus ejusdem Patris sui: Promittens quilibet, bona fide, & manu, in signum fidei dationis, levata, Quod eum pro Rege & hærede legitimo ejusdem Patris sui habiturus erit; ipsumque juvabit atque defendet contra quoscunque mortales: Nec non Sigillum suum scripto seu instrumento, super hoc fiendo, apponent, in signum suorum consensuum & promissionis prædictorum, cum ipsi super hoc fuerint requisiti. Quibus Recognitione, Promisso & fidei datione, in Concilio Domini nostri Regis, sic præmissis & actis, idem Dominus noster Rex, per venerabilem virum magistrum Johannem de Peebles, doctorem decretorum, Canonicum Glasguen. Clericum suum, proponi fecit in publicum, qualiter ex habundanti indicavit & declaravit, præfatum Dominum *Johannem*, filium suum Primogenitum, verum suum Hæredem nunc esse, & esse debere, de jure, & post mortem suam, Regni Scotiæ, volente Deo, Regem futurum; & qualiter præfati Comites, Proceres, & alii de Concilio, affirmaverunt, recognoverunt, consenserunt, & fide media, ut præmittitur, promiserunt; & quod Populum cum Clero convocari fecerat, ut in eorum præsentia, & de eorum consensu unanimi, fieret & publicaretur, ne aliquis super hoc ignorantiam prætereundere posset aliquo modo in futurum. Tota autem multitudo Prælatorum, Comitum & Baronum, & aliorum, tam Cleri quam Populi, unanimi voluntate & clamore consono, nullo penitus reclamante, Affirmaverunt, Recognoverunt & Voluerunt, ipsum Dominum *Johannem*, tanquam *Primogenitum & Hæredem* Domini nostri Regis, Patris sui, suum fore Regem futurum; ac manu levata, in signum fidei dationis, promiserunt, Quod eum pro Rege suo futuro, volente Deo, habituri erant post mortem Patris sui, ipsumque juvabunt atque defendent, de toto posse, contra quoscunque mortales. Quibus sic actis, præfati Comites & Barones ibidem existentes, Sigilla sua huic scripto appo-

apposuerunt, ad perpetuam & futuram memoriam, in testimonium omnium  
 præmissorum, una cum signo & subscriptione publici Tabellionis subscripti.  
 Acta fuerunt hæc apud Abbatiam de Scona, mense, die & anno supradictis.

Et ego Johannes Rollo, Clericus Moravien. diocesis, publicus, Apostolica  
 autoritate, Notarius, prædictis Indicationi, Declarationi, Affirmationi,  
 nec non Promissioni, Manuum levationi, ac prædicti magistri Johannis de  
 Peebles publicæ publicationi; una cum venerabilibus in Christo Patribus,  
 Dominis Willielmo, Waltero, & Patricio, Sancti Andreæ, Glasguen. &  
 Brechen. Ecclesiarum Episcopis; ac discretis viris, Dominis Johanne de  
 Carrick, Canonico Glasguen. Waltero de Biggar, Rectore Ecclesiæ de  
 Errol, Cancellario, & Camerario Scotiæ; nobilibus viris, & potentibus  
 Dominis, Thoma de Mar, Willielmo de Douglass & Roberto Seneschal.  
 Comitibus; Thoma de Haya, Willielmo de Keith, Constabulario, & Ma-  
 rescallo Scotiæ; Archebaldo de Douglas, Jacobo de Douglass, Roberto  
 de Erskin, Alexandro de Lindesay, Thoma de Erskin & Duncano Wal-  
 lace, Baronibus ac Militibus; magistro Johanne de Peeblys supradicto;  
 & multis aliis testibus, ad præmissa vocatis pariter & rogatis, primo in  
 secreta Camera prædicti Domini Regis, in suo Secreto Concilio; & post  
 in Camera sui Parlamenti, in publico, ut prædicatur, coram populi mul-  
 titudine hoc approbante, factum, Anno, die, mense & locis supradic-  
 tis, Indictione nona, Pontificatus Sanctissimi in Christo Patris Gregorii  
 Undecimi, Divina providentia Papæ; Quia præsens interfui, eaque om-  
 nia & singula superius expressa, dum sic agerentur, scivi, vidi & audi-  
 vi; præsens Instrumentum, de manu alterius scriptum, signo meo con-  
 sueto, ad instantiam prædicti Domini Johannis, Domini Regis Primoge-  
 niti, Comitis de Carrick, Scotiæ Seneschalli, signavi, mea propria manu  
 subscribens, vocatus pariter & rogatus, in testimonium omnium præmis-  
 sorum ----

The Names of the Lords and inferior Barons who were present at this so-  
 lemn Declaration, are written on the one or the other Side of the Labels or  
 Tags: and several of their Seals are as yet entire, and appended to the *Authen-  
 tic Instrument* above insert.

In the first Row, on the outward Side of the first Tag, is written, *Epif. San-  
 cti Andreæ*: The Seal appended thereto, Red Wax upon Green; a St. *And-  
 rew* stretch'd on his Cross, with a Side Coat, as he died at *Patras*, under the  
 Proconsul *Ageas*: On each Side, two small Escutcheons: Under the Shield,  
 Bishop *Landal*, who crowned and anointed King *Robert II.* the 25 of *March*,  
 1371, in his Pontifical Garb, kneeling, his Mitre on his Head, and his Cro-  
 tier, or Pastoral Staff, in his Hands. In the Circumference of the Seal, which  
 is Oval, *S. Willielmi, D. G. Epif. Sancti Andreæ.* On the outward Side of  
 the Second Tag, *Epus. Glasgw.* On the inner Side, *Epus Sancti Andreæ*: No  
 Seal. On the third Tag, *Epus. Dunkeld.* No Seal. On the Fourth Tag, *E-  
 pus. Aberdeen.* No Seal. On the Fifth, *Epus. Morav.* No Seal. On the Sixth,

*Epus. Rossens.* on the outter Side: On the inner Side, *Dumblan*: No Seal: On the Seventh, *Epus. Dumblan*, on the outter Side: On the inner Side, *Rossens.* On the Eighth, *Epus. Catanens.* No Seal. On the Ninth, without, *Brechin.* and within, *Ergadien.* No Seal. On the Tenth Tag, *Ergad.* without, and *Brechin.* within: No Seal. On the Eleventh, *Calwidiens.* without; and within, *Candidae Casae*: No Seal: On the Twelfth, *Cancellarius*, without; and within, *Dumfermelin*: The Seal appended to the Tag, Red upon Green Wax. In a Niche, three Persons scarce discernable: Above the Niche, a Virgin with her Babe on her Knee. Under the Niche, *John Carrick* Chancellor, praying on his Knees; the Letters on the Circumference not legible. On the Thirteenth, *Camerarius*, on the outter Side: On the inner Side, *Aberbroth.* On the Seal, which is Red upon Green Wax, a Virgin standing, with her Babe in her Arms, turning towards a Person kneeling, his Head defac'd; the Letters on the Circumference scarce legible. On the Fourteenth, *Dumfermelyn.* on the outter Side; on the inner, *Melross*: The Seal oval, Red upon Green Wax. In a Niche, a Virgin crown'd, standing with her Babe in her Arms, turn'd towards *St. Margaret*, cloath'd in Royal Robes, an antique Crown on her Head, in the Right Hand holding a Prayer-book, in the Left, a Sceptre. Below the Niche, an Abbot mitr'd, his Crozier in his Hands, praying, and his Mitre on his Head. On the Circumference, *S. Johannis. D. G. Abbatis de Dumfermelyn.* On the Fifteenth, *Aberbroth.* the Seal oval, Red upon Green Wax; *S. Thomas*, a zealous Asserter of the Liberties of the Church, kneeling before *St. John the Baptist* and *St. Augustin's* Altar, in his Church of *Canterbury*. Opposite to the Saint are represented Four Knights, *William Tracy*, *Hugh Morwille*, *Richard Breton* and *Reginald Fitz. Urse*, his Murderers; whereof *William Tracy* gives him the first Stroke on the Head with a naked Sword, the 29th of December, 1170 \*. Behind the Saint, *Hugh* his Sub-deacon, *qui, posito pede in collum SS Martyris, cerebrum eius, cum sanguine, per pavementum sparsit.* Above the Virgin, sitting in a Niche with her Babe, on both Sides a *Benedictine* Monk of the Order of *Tyron*, praying, and turned towards her, the one kneeling, the other standing. Under the Saint, an Abbot mitred, with his Crozier, kneeling: The Circumference not legible. On the Sixteenth Tag, *Melross*, without; within, *Calcow.* No Seal. The Seventeenth hath on the outward Side, *Abbas S. Crucis*; and within, *Scoon*: No Seal appended thereto. On the Eighteenth Tag is written without and within, *Prior S. Andree*: No Seal appended thereto.

On

\* Those who reckon the Year to begin at Christmass, make him to have been killed in 1171. yet our most exact Writers agree, that he was slain on Tuesday, about Eleven a clock, in 1170, according to the following Verses.

*Richardus Brito, nec non Morwillus & Hugo,  
Willelmus Trassy, Richardus filius Urse,  
Thomam martyrium fecere subire beatum.*

And



On the Second Row, within the First Tag, is *Glasgow*: The outward Part is not legible. On the Little Seal, an Annunciation, or an Angel standing straight, looking towards a Lady. I take it to be the Dean of *Glasgow's Seal*. The Second Tag wants. The Third hath *Comes Marchiae*, without; and *Fedworth* within. On the Tag a round Seal, Red upon Green Wax. The Escutcheon, a Lion Rampant, within a Bordure, charged with Roses, supported with two Lions. Crest, a Horse's Head and Neck issuant out of the Helmet, crown'd and mantled: There seems to appear a Bridle on the Horse's Neck. The Fourth Tag, without, hath *Stratherne*; and within is written, *Dominus Walterus de Haliburton*. No Seal. The Fifth Tag wants. On the Sixth Tag, without, is *Menteth*; and within, *Dominus Jacobus de Lyndesay*. No Seal. On the Seventh Tag, without, is written, *Reginae*; and within, *Sigillum Domini Regis*: The Seal wants, and behov'd to be his ordinary Seal, not the Broad Seal; because the Tag is proportioned to the other Tags, and is not strong nor large enough for supporting a great Weight. The Eighth Tag wants. On the Ninth Tag, *Dominus Jacobus de Lyndesay*, without; the Seal Red, upon Green Wax. On the Escutcheon, a Fesse chequee de trois traits. No Supporters. For Crest, a Helmet, mantled, with an Ostrich-head and Neck issuant; no Key. In the Circumference, *S. Jacobi de Lyndesay*. On the Tenth Tag, without, *Constabularius*; within, *Dominus Johan. Seneschalli, & frater ejus*. No Seal. The Eleventh Tag hath *Marescallus*, on the outer Side. There's nothing written on the inner Side. On the Tag, a round Seal, Red, upon White Wax. The Escutcheon appears fill'd up with Lozans, or Frette. On the Chief, Three Palets. Above the Left Point, a Stag's Head, issuant out of an antique Helmet. On the Circumference, *S. Willielmi de Keith*. On the Twelfth Tag is, on the outer Side, *Dominus Jacobus de Douglas*. The Escutcheon Red, upon Green Wax, plain, and void of all Figures, there being therein neither Heart nor Crown. On the Chief, two Mollets: For Supporters, two Savages. For Crest, a Tree issuant out of the Helmet. In the Circumference, *S. Jacobi de Douglas*. On the Thirteenth Tag, without, is written, *Dominus Walterus de Lesly*; and within, *Camerarius*; the Seal Red, upon Green Wax: On a Bend, three Buckles. No Supporters nor Helmets. In the Circumference, *S. Walteri de Lesly*. On the Fourteenth Tag, without, is, *Dominus de Erskyn*; within, *Dominus Archibaldus de Douglas*: On the Tag, a Seal Red, upon Green Wax: In the Escutcheon, a Pale. For Crest, a Greiffin issuant out of an antique Helmet. On the Circumference, *S. Roberti de Erskyn, Domini ejusdem*. On the Fifteenth Tag, without, is written, *Dominus Alexander de Lyndesay*; and within, *Dominus Jacobus de Douglas*. The Seal appended thereto, Red upon Green Wax, a Fesse chequee de trois traits. In Chief, on the Sinister, a Star, for Distinction. Supporters, two Lions. Crest, an Ostrich-head and Neck, issuant out of a round Helmet. On the  
Cir-

---

*Anno milleno, centeno, septuageno,  
Anglorum primas corruit epus Thomas.*

Circumference, *S. Alexandri de Lyndesay*. On the outward Side of the Sixteenth Tag is written, *Dominus Walterus de Haliburton*: On the inner Side there is no Writ. The Seal appended thereto, Red upon Green Wax. In the Escutcheon, on a Bend Azure, three Lozanges, or Mackles, empty'd in the Middle. No Crest nor Supporters. On the Circumference, *S. Walteri de Haliburton*. On the outward Side of the Seventeenth Tag is written, *Dominus Willielmus de Conyngbame*; and on the inner Side, *Constabularius*. No Seal. On the Eighteenth Tag there is written, on the outward Side, *Dominus J. de Danielston*; and on the inner Side, *Comes de Moravia*, scarce legible. No Seal affix'd thereto. On the Nineteenth Tag, without, is written, *Dominus H. de Eglintone*. There's nothing written on the inner Side, nor no Seal appended to the Tag.

In the Third Row, on the First Tag, is written, *S. Crucis*, without: Nothing is written within. The Seal, *Christ* on the Cross, with his Shift: On his Left, *St. John*: On his Right, the *Virgin Mary*. Under, an Abbot shaved, with his Chappe, *cum Cappa*, praying on his Knees, bare-headed, the Crosier before him; behind, a *Fleur de Lis*. Above the Niche, two Persons defac'd, wanting the Heads. In the Circumference, *Sigillum Ab. S. Crucis de Edinburgh*. On the Second Tag, *Calchow*; no Writ in the other Side, within, nor Seal at the Tag. On the Third, *Fedworth*, without; and within, *Comes de Douglas*. No Seal. On the Fourth, *Kylwynnen*, on the outward Side; nothing written within. No Seal. On the Fifth, *Cambuskeneth*, on the outward Side; on the inner Side, *Comes de Levenax*. No Seal. On the Sixth, without, there is *de Cupro*; within, *Dominus Willielmus de Keith*. No Seal. On the Seventh, without, is *Lundoris*. No Seal. Nothing written on the inner Side. On the Eighth Tag is written, *Neubottle*: What's in the inner Side is not legible. The Seal appended to the Tag is oblong, Red upon White Wax. In a Niche, an Abbot's Staff, or Crosier, with a Vail, or Drapeau, attach'd thereto. In the Circumference, *S. Roberti Abbatis de Neubotil*. On the Ninth is *Dryburgh*, on the outward Side; and on the inner Side, *Comes de Menteth*. No Seal. The Tenth Tag wants. On the Eleventh Tag is written, outwardly, *Dominus Jacobus Frazer*; inwardly, *Kylwinning*: On the Tag, a Seal of Red Wax. In the Escutcheon, a *Fesse chequee de trois traits*, betwixt six Frazes, three in Chief, and two and one in the Base: For Crest, a Dog's Head mantled, issuant out of a Helmet, his Tongue apparent, or langu'd. In the Circumference, *S. Jacobi de Frazer*. On the Twelfth Tag, the outward Side hath *Dominus Alexander Senescall*; and the inner Side, *Dominus Rob. de Erskyne*. No Seal. On the Thirteenth, *Dominus Alanus Senescal*, without; and within, *Cambuskenel*. No Seal. The Fourteenth wants. The Fifteenth hath *Dominus David, filius Walteri*, written on the outter Side; what's on the inner Side is not legible. On the Tag, a Seal, Red upon Green Wax: three Cinque-fueilles, two and one. No Crest nor Supporters. In the Circumference, *Sigillum*

*gillum David filii Walteri* \*. On the outward Side of the Sixteenth Tag, is written, *Dominus Patricius de Heburne*: there is no Writ on the inner Side. In the Shield, on a Cheveron, a Rose betwixt two Lions Combatans, within a Bordure Engral'd. On the Circumference of the Seal, *S. Patricii de Heburne*. On the Seventeenth Tag, on the outward Part, *Dominus Willielmus de Danielston*; nothing written within. The Seal appended to the Tag, Red upon Green Wax. The Escutcheon, on a Bend, three Mackles. For Crest, a Pot of Fire, the Flame coming out of the Top, above the Helmet. On the Circumference, *S. Willielmi de Danielston*. The Eighteenth Tag hath no Writ, neither on the outter Side nor the inner. On the Seal, which is Red upon Green Wax, a Lion Rampant. On the last Tag is written, *Dominus Frazer*, on the outward Side; and nothing on the inner, and hath no Seal.

On the Back of the *Manifesto* is written, *Declaratio Parlamenti, ubi Johannes Primogenitus Roberti, habet succedere in Regno.*



## Num. II.

*This Number refers to P. 35.*

**K** *Infawns* lieth two Miles by-east *St. Johnston*, on the North-side of *Tay*. It belonged formerly to *Hugh*, Brother to *William* Earl of *Rofs*; as appears by the following Charter granted by *K. Robert II. Nu. 7, Rot. 4.*

*Robertus --- Omnibus --- Sciatis nos dedisse, concessisse, & hae praesenti Carta nostra confirmasse dilecto consanguineo nostro Hugoni de Rofs de Kynfawns, pro suo fideli servitio nobis impenso & impendendo, illum annuum*

H

nuum

\* *The 73d Charter of the first Roll, is granted by King Robert the Bruce, Waltero filio Gilberti, de toto tenemento de Machan, quod fuit quondam Johannis Cumyn, militis, cum pertinentiis, in valle de Clude. Tenend. & Habend. praedicto Waltero & haeredibus suis, inter ipsum & Mariam de Gordun, sponsam suam, legitime procreatis. Faciendo nobis & haeredibus nostris, dictus Walterus & haeredes sui praedicti, servitium inde debitum & consuetum tempore bonae memoriae Domini Alexandri, Regis Scotorum, praedecessoris nostri ultimo defuncti. Whereby 'tis clear, that this Walter, Son of Gilbert, and Father to David, Ancestor to his Grace the Duke of Hamilton, was married to Mary Gordon, not to Isabel Daughter to William Earl of Rofs: Neither had the Earl of Rofs a Daughter of that Name, or any more than Two, Euphame and Jean; the eldest, named Euphame, was first married to Walter Lesly, and afterwards, to Alexander Earl of Buchan, Lord Bardenoch; to whom she disposed the*

num redditum decem Librarum Sterlingor. & quatuor celdrarum frumenti, nobis debet. sive exeunt. de terra de Doun; cum pertinent. infra Vicecomitat. de Bamff. *Tenend. & Habend.* dicto Hugoni & Margaretæ sponſæ suæ, & eorum alteri diutius viventi, & hæredibus dicti Hugonis, de nobis & hæredibus nostris, in feodo & hæreditate --- libere & quiete, plenarie, integre & honorifice, bene & in pace --- In cujus rei testimonium, præſenti Cartæ nostræ, nostrum præcepimus apponi Sigillum. Testibus --- Apud Methſen, primo die Junii, Anno Regni nostri, octavo.

Some few Years thereafter, these Lands were divided into two Parts; the one, lying towards the East, was given to *James Stuart*, Natural Son to King *Robert II.* begotten upon *Marion Carduay*, as I have noticed P. 35, with a considerable Pension, to be levied yearly out of the Barony of *Abirnetby* in *Perthshire*; as is evident from the 17th Charter of the 2d Roll, as follows:

R E X --- Omnibus --- Sciatis nos dedisse --- dilecto filio nostro *Jacobo Seneschalli*, pensionem illius annui redditus sexdecim librarum Sterlingor. nobis debet. de baronia de *Abirnetby*, infra Vicecomitatum de *Perth*. Qui quidem redditus est in manibus *Margaretæ Comitissæ* de *Angus*, pro toto tempore vitæ suæ. *Tenend. & Habend.* dicto *Jacobo*, & hæredibus suis de corpore suo legitime procreandis; quibus forte deficientibus, dilecto filio nostro *Johanni Seneschalli*, fratri dicti *Jacobi* uterino, & hæredibus suis de corpore suo legitime procreandis; de nobis & hæredibus nostris, in feodo & hæreditate, libere & quiete --- In cujus rei testimonium -- Testibus -- Apud *Dumbretane*, vicesimo-quinto die Decembris, Anno Regni nostri, secundo.

The Superiority of the other Part, which lieth towards the West, fell to *Euphame Ross*, Daughter and only Heir to *William* Earl of *Ross*: Upon whose Resignation, it was bestowed upon *Walter Stuart*, Son undoubtedly to *Alexander* Earl of *Buchan* and *Ross*, Lord *Badenoch*, her Husband, who was a younger Son to *Robert II.* begotten upon *Elizabeth More*; as is clear from the 27th Charter of the 8th Roll of King *Robert II.* which followeth:

R O B E R T U S --- Omnibus --- Sciatis nos dedisse --- dilecto nepoti nostro *Waltero Seneschalli*, militi, superioritatem, sive superius dominium, terrarum partis occidentalis de *Kynsauns*, infra Vicecomitatum de *Perth*, quæ, sive quod fuit dilectæ consanguineæ nostræ *Eufamiæ* Dominæ de *Ross*, filiæ & hæredis quondam *Willielmi* Comitis de *Ross*; & quam, sive quod eadem *Eufamia*, in sua legitima viduitate, nobis sursum reddidit, pureque & simpliciter resignavit, ac totum jus & clameum quæ in dicta superioritate, sive superiori dominio, habuit vel habere potuit, pro se & hæredibus suis, omnino quietum clamavit in perpetuum. *Tenend. & Habend.* dicto *Waltero*, hæredibus

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*the Earldom of Ross, the Lordship of Sky, Lewis, and other Lands mentioned in the 8th Roll. Carta 20, 21, 25 & 26, she is designed, Filia & hæres Willielmi quondam Comitis de Ross, Carta 26. Which shows, that her Sister Jean ei-*  
*ther was never married to Philorth, or had no Children, nor Share in her Father's*  
*Estate.*



redibus suis & suis assignatis, de nobis & hæredibus nostris, in feodo & hæreditate; per omnes rectas metas & divisas suas; cum omnibus & singulis libertat. commoditat. ayfiamentis, & justis pertinentiis suis quibuscunque, ad dictam superioritatem, five superius dominium spectant. seu quoquomodo juste spectare valentibus in futurum; adeo libere — sicut dicta Eufamia, vel pater suus prædictus, vel aliquis prædecessorum suorum, dictam superioritatem, five superius dominium, aliquo tempore, liberius, quietius, juste tenuerunt seu possiderunt. *Faciendo* inde servitia debita & consueta. In cujus rei testimonium — Testibus — Apud Kylwynnen, vicesimo-quarto die Aprilis. Anno Regni nostri, duodecimo.

These two Parts of *Kinfawns* were, in Process of Time, join'd into one Body, or Barony: From whence Sir *George Hay*, Earl of *Kinnoul* and Lord High Chancellor of *Scotland*, took his Title and Designation, before he was advanced to the Degree of Viscount of *Duplin*; as may be seen by the following Proxy, kept amongst the public Records.

JACOBUS, Dei gratia, magnæ Britannæ, Franciæ & Hybernæ Rex, fidei Defensor; Omnibus probis hominibus suis ad quos præsentēs Litteræ pervenerint, Salutem. Sciatis quod suscepimus Reverend. in Christo Patrem, Georgium Orcadum Episcopum — vel eorum aliquos vel aliquem, Actor-natos vel Actor-natum prædicti nostri Cancellarii, Domini Georgii Hay de *Kinfawns*, militis, nostri magni Cancellarii, in omnibus negotiis & loquelis, placitis & querelis, motis seu movendis, ipsum Dominum Georgium Hay tangent. seu tangere valent. quibuscunque diebus & locis, contra quoscunque, & coram quibuscunque. Quare Præcipimus & Mandamus, quatenus dictum Reverend. in Christo Patrem Georgium Orcadum Episcopum — vel eorum aliquos vel aliquem, quos vel quem præsentēs vel præsentem esse contigerit, tanquam Actor-natos vel Actor-natum dicti nostri Cancellarii, in præmissis recipiatis, præsentibus post annum minime valituris. In cujus rei testimonium, has Litteras nostras sibi fieri fecimus Patentes. Apud Edinburgh, vicesimo-quarto die mensis Septembris, Anno Regni nostri 38 & 22, 1624. The Seal, Green Wax, on a Tag of Parchment; on one Side, a Duke's Crown, above the Extremity of the Escutcheon; on the other Side, a Man on the Ground, arm'd with a naked Sword in his Right Hand. I take this Seal to be a particular Seal for this Business. This Eminent Chancellor died in 1635, and was succeeded in his Office by *John Spotiswood*, Archbishop of *St. Andrew's* and Primate of *Scotland*, Brother to *James Lord Bishop of Clochar in Ireland*, my Great Grandfather, who was nam'd Archbishop of *Cashal*, after the Death of *Malcom Hamilton*. His Son Sir *Henry* married Dame *Jean Bulkly*, Daughter to Sir *Trustram Bulkly* of *Castlebarnehill*, in the Isle of *Anglesey*, and Niece to the Viscountess of *Valencia*, who bore *Jean Lady Roslin*, my Mother, and several other brave Children, who served King *Charles I.* with great Reputation during the late Troubles.

*Num.*

## Num. III.

*This Number refers to P. 45.*

**T**HE Abbey of the Holy Cross, clois adjoining *Edinburgh*, was founded by *K. David*, Son to *Malcom Kean-more*, Anno 1128, for Canons Regular of *St. Augustine*; according to the Chronicle of *Melross*, and the *Chronicon Sanctae Crucis*, in the first Vol. of *Anglia Sacra*, P. 160, In the very Place where the Saint, hunting on *Holy Rood-day*, commonly called, *The Exaltation of the Holy Cross* \*, or the 14th of September, was struck to the Ground by a wild Deer running towards him in a speedy and full Course. During those Misfortunes, 'tis said, that a Cross slipt miraculously from the Tynes of the Stag into his Hands; on the Sight whereof, the Deer immediately march'd off. No Man could ever know of what Metal or Wood the Cross was made. Here it was kept most carefully, till King *David Bruce* carried it along with him to *England*, where it was taken at the Field of *Durham*, the 27th of October, 1346, with the King, and several Bishops and Earls, by *Ralph Lord Newill*, and *John Newill* his Son; and offered to the Screen of *St. Cuthbert*, with the *B.V. Mary* and *St. John* the Apostles, of pure and massy Gold, on the Foot, or the Pedestal, which was garnish'd all about with rich and large Diamonds, precious Rubies, fine Turquoises, and costly Emeraulds, and plac'd on the Pillar near *St. Cuthbert*, in the South Alley of the Cathedral.

The original Charter of the Foundation, produc'd by *John Leith* Abbot of *Holy-rood-house*, was confirmed by King *Robert III.* and is transcrib'd in the 9th Roll of our Records, which is the first Roll of that Prince's, with this Title;  
*Carta*

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\* *This Feast is supposed, by the Roman Breviaries, to have been establish'd upon a private Account, which fell out to Heraclius Successor to Phocas, after the Defeat of Cosroes King of Persia: Yet 'tis certain, that both the Greek and Latin Churches kept that Festival in Memory of the Cross that appeared to Constantine, long before Heraclius. The Author of the Life of Eutichius Patriarch of Constantinople, C. 50, says, That being recalled from his Exile by the Emperors Justin and Tyber, he went to a Monastery in Passingby, postquam salutiferæ etiam Crucis memoriam, die 14 mensis Septem, splendide celebravimus, Monasterio benedixit. Leontius Bishop of Neapolis in the Isle of Candia, speaks of this Feast in the Life of St. Simeon, surnamed Salus; apud Surium, die 5 Julii, C. 5, tempore Justiniani Imperat. cum accederent ii qui Christi erant amantes, & pro morte Christi sancta loca cupiebant adorare quæ sunt in sancta Civitate, in Exaltatione pretiosæ & vivificæ Crucis, So 'tis probable that Constantine, who consecrate the Fridays to the Memory of the Cross, established also the Feast of the Exaltation of the Cross. Vide Euseb. in vita Constant. L. 3, Cap. 49, & L. 4, Cap. 18.*

*Carta Confirmationis pro Monasterio S. Crucis de Edinburgh, de diversis terris & Ecclesiis, datis & concessis eidem Monasterio & Canonicis, per David quondam Regem Scotorum, filium S. Margaretae, & fundatorem dicti Monasterii.*

**R**OBERTUS, Dei gratia, Rex Scotorum ; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem. *Sciatis* quod inspeximus quandam Cartam Confirmationis, recolendæ memoriæ quondam Domini David Bruys, Regis Scotorum illustris ; non rasam, non abolitam, non cancellatam, nec in aliqua sui parte vitiatam, formam quæ sequitur, de verbo in verbum, continentem : DAVID, Dei gratia, Rex Scotorum ; Omnibus probis hominibus totius terræ suæ, Clericis & Laicis, Salutem, *Sciatis* nos inspexisse, ac veraciter intellexisse Cartam Confirmationis claræ memoriæ Domini Patris nostri ; non abolitam, non cancellatam, nec in aliqua sui parte vitiatam, in hæc verba : ROBERTUS, Dei gratia, Rex Scotorum ; Omnibus probis hominibus totius terræ suæ, tam Clericis quam Laicis, Salutem. *Sciatis* nos coram Concilio nostro diligenter inspexisse, ac veraciter intellexisse Cartam bonæ memoriæ Domini David, Regis Scotorum illustris, prædecessoris nostri, factam religiosi viri Abbati & Canon. Regularibus Ecclesiæ Sanctæ Crucis de Edinburgh ; non abolitam, non cancellatam, nec in aliqua sui parte vitiatam, sed vero Sigillo Domini David Regis signatam, in hæc verba : *In nomine Domini nostri Jesu Christi, & in honore Sanctæ Crucis, & Sanctæ Mariæ Virginis, omniumque Sanctorum ;* Ego David. Dei gratia, Rex Scotorum, regali auctoritate, assensu Henrici filii mei, & Episcoporum Regni mei, Comitum quoque Baronumque confirmatione & testimonio, Clero etiam acquiescente & Populo, divino instinctu omnia subscripta concedo Ecclesiæ Sanctæ Crucis de Edwynesburg, & pace perpetua confirmo. Hæc itaque sunt quæ Ecclesiæ præfatæ, & Canonicis Regularibus in eadem Deo fervientibus, in liberam & perpetuam Eleemosynam concedimus ; Ecclesiam sciz. Castellum, cum omnibus appendiciis & refectionibus suis, & examen duelli, aquæ & ferri calidi \*, quantum ad Ecclesiasticam dignitatem pertinet ; & cum *Salestuna*, per suas rectas divisas ; & Ecclesiam Sancti Cuthberti, cum parochia, & omnibus rebus quæ eidem Ecclesiæ pertinent ; & cum Kirketoune, per rectas divisas suas, & cum terra in qua ipsa Ecclesia sita est, & cum alia terra quæ sub Castello jacet, viz. a fonte qui oritur juxta angulum gardini mei, per viam qua itur ad Ecclesiam Sancti Cuthberti, & ex alia parte, sub Castello, usquequo pervenitur ad unam Craggam, quæ est sub eodem Castello versus orientem ; & cum duabus capellis, quæ ad eandem Ecclesiam Sancti Cuthberti pertinent, scilicet, Crostorfyne, cum duabus bovatis terræ & sex acris ; & illæ Capella de Libertoune, cum duabus bovatis terræ ; & cum omnibus decimis & refectionibus, tam de vivis quam de mortuis, de Legbernard, quas Mach-

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y. III. of England changed the unnatural and long-continued, ancient Criminal Causes, by Fire and Water, into other Punishments, viz. Imprisonment, Banishments, An. Regni 3. Prinne, P. 48.

bet vere eidem Ecclesiæ dedit, & ego concessi; & Ecclesiam de Hereth, cum terra quæ ad eandem Ecclesiam pertinet; & cum tota terra quam ego ei augmentavi & dedi, sicut ministri mei & probi homines perambulaverunt, & tradiderunt Alkwyno Abbati; cum una salina in Hereth, & viginti sex acris terræ. Quam Ecclesiam & terram prænominatam, volo ut Canonici Sanctæ Crucis teneant & possideant in perpetuum, libere & quiete. Et prohibeo firmiter, ne aliquis Canonicos, sive homines eorum qui in eadem terra manent, injuste gravent aut disturbent; neque aliquas operationes, sive auxilia, sive consuetudines seculares, injuste ab eis exigant. Volo etiam, ut iidem Canonici habeant libertatem Molendini faciend. in eadem terra; & ut habeant in Hereth omnes consuetudines illas, & rectitudines, & ayfiamenta, videlicet in aquis & piscationibus, in pratis & pascuis, & in omnibus aliis necessariis rebus, sicut melius habuer. die illo quo illam habui in meo dominio. Et *Broðlimam*, cum rectis divisis; & *Imyryth* illam quæ vicinior est portui, cum rectis divisis suis, & cum ipso portu, & cum medietate piscationis, & cum tota decima totius piscationis quæ ad Ecclesiam Sancti Cutberti pertinet. Et *Petendreiam*, cum suis rectis divisis; & *Hamere*, & *Fordame*, cum suis rectis divisis; & hospitale, cum una carrucata terræ, & quadraginta solidos de meo burgo de Edwynesburg, singulis annis; & redditum centum solidorum, singulis annis, ad indumenta Canonicorum, de cano meo de Perth, & hoc de primis navibus quæ negotiationis causa veniunt ad Perth; & si forte non venerint, concedo præfatæ Ecclesiæ, de meo redditu de Edwynesburg, quadraginta solidos, & de Stryvelyne, viginti solidos, & de Perth, quadraginta solidos; & unum toftum in Stryvelyne, & tractum unius retis ad piscandum; & unum toftum in burgo meo de Edwynesburg, liberum & quietum ab omni consuetudine & exactione; & unum toftum in Berwyc, & tractum duorum retium in Scypwel; & unum toftum in Renysfry, quinque perticatarum; & tractum unius retis ad salmones, & ibi piscari ad allecia, libere. Et prohibeo ne aliquis inde a vobis, sive ab hominibus vestris, aliquas consuetudines exigat. Concedo etiam præfatis Canonicis, de Camera mea, singulis annis, decem libras ad luminaria Ecclesiæ, & ad operationes ejusdem Ecclesiæ, & ad reparationem earundem operationum, in perpetuum. Præcipio etiam omnibus ministris meis, & forrestariis de Stryvelynesfry & de Clacmannant, quod Abbas & Conventus habeant liberam potestatem in omnibus nemoribus meis & forestis, capiendi tantum de materia, quantum eis placuerit, & voluerint ad ædificationem Ecclesiæ suæ & domorum suarum, & ad quælibet negotia sua facienda. Et præcipio quod homines eorum, qui ad eorum negotia in eisdem nemoribus materiam capiunt, meam firmam pacem habeant, & ita, quod non permittatis quod in aliquo disturbentur. Et porcos dominicos supradictæ Ecclesiæ, in omnibus nemoribus meis concedo esse quietos de padnagio. Concedo etiam præfatis Canonicis, medietatem sepium, & uncti, & coriorum de occisa de Edwynesburg; & decimam de omnibus cetis & marinis beluis, quæ mihi eveniunt ab Avyne usque ad Colbrandespade; & decimam omnium placitorum meorum & lucrorum, ab Avyne usque ad Colbrandespade; & medietatem meæ decimæ de meo cano, & de meis placitis & lucris



eris de Kentyre & de Erregyl; & omnes pelles arietinas, & ovinas, & agninas de Castello, & de Linlythqu, quæ moriuntur de meo dominio; & octo cellas de brasio, & octo de farina, & triginta carratas de Busche de Libyrroune, & unum de Molendinis meis de Dene, & decimam Molendini de Libyrroune & de Dene, & novi Molendini de Edwynesburgh, & de Craggenemars quantum inde habeo in meo dominio, & quantum Vineth Albus eis de eodem cræggo in eleemosynam dedit. Concedo etiam eis *Herbergare*, quoddam burgum inter eandem Ecclesiam & meum burgum. Et concedo ut burgenſes eorum habeant communionem vendendi res suas venales, & emendi in foro meo, libere, & absque calumpnia & consuetudine, sicut mei proprii burgen. Et prohibeo ne aliquis in burgo eorum panem, aut pannum, vel cervisiam, aut aliquid venale capiat per vim, aut sine voluntate burgen. Concedo etiam, Canonicos esse quietos de theloneo, & de omni consuetudine, in omnibus burgis meis, & per totam terram meam, scilicet, de omnibus rebus quas ement vel vendent. Et prohibeo ne quis capiat pandum super terram Sanctæ crucis, nisi Abbas ejusdem loci rectum & jus facere recusaverit. Volo autem, ut omnia præscripta ita liberaliter & quiete teneant, sicut ego meas proprias terras possideo. Et volo, ut Abbas curiam suam ita libere, & plenarie, & honorifice habeat, sicut Episcopus Sancti Andree, & Abbas de Dumfermelyne, & Abbas de Kelcou, curias suas habent. *Hiis Testibus*, Roberto Episcopo Sancti Andree, Johanne Episcopo Glasguensi, Henrico filio meo, Willielmo nepote meo, Edwardo Cancellario, Hereberto Camerario, Gillimichael Comite, Cospatricko fratre Dolfyni, Rodberto de Monte Acuto, Rodberto de Burnevile, Petro de Bruys, Normanno Vicecomite, Oggii, Leisfing, Gillise, Williel. de Grame, Turstano de Crestune, Blemo Archidiacono, Aelfrino Capellano, Walerano Capellano. QUAM quidem Cartam, in omnibus & per omnia, pro salute animæ nostræ, & animarum omnium antecess. & successorum nostrorum, Regum Scotiæ, Approbamus, Ratificamus, & præsentem Cartam nostram, Confirmamus. Mandamus etiam & firmiter præcipimus Justiciariis, Vicecomitibus, Praepositis, & eorum Ballivis, ad quorum notitiam præsentis Cartæ inspectio pervenerit, Quod Abbatem & Canonicos supradictos, contra tenorem Cartæ supradictæ, & Confirmationis nostræ Regiæ concessionem, nullatenus gravare seu molestari præsumant injuste, super nostram plenariam forisfacturam. In cujus rei testimonium, præsentem Cartam nostram, Sigillum nostrum præcepimus apponi. *Testibus* venerabilibus in Christo patribus, Willielmo Sancti Andree, & Willielmo Dunkelden. Dei gratia, Episcopis; Bernardo Abbate de Abyrbrothock, Cancellario nostro; Thoma Ranulphi, Comite Moarviae, Domino Vallis Annandiae & Manniae; Waltero Senescallo Scotiæ; Jacobo Domino de Douglas; Johanne de Menyteth; Gilberto de Haya, Constabulario Scotiæ; Roberto de Keth, Marescallo Scotiæ, & Alexandro de Seton, militibus; & multis aliis. Nos vero jura & libertates prædicti Monasterii, in omnibus conservare volentes illibatas, ac beneficia, per prædecessores nostros Reges Scotiæ, Deo & Ecclesiæ oblata, augmentare cupientes, jugibus gratiarum incrementis, prædictam Cartam Confirmationis Domini Patris nostri, in omnibus punctis, articulis, conditionibus

& circumstantiis suis quibuscunque, forma & effectu Approbamus, Ratificamus, & pro nobis & hæredibus nostris, eisdem Abbati & Conventui, & eorum successoribus, in perpetuum Confirmamus, Et volumus, quod omnes terras suas prædictas habeant, teneant & possideant, in liberam Regalitem, cum plena administratione ejusdem Regalitis, in omnibus & per omnia; adeo libere & quiete, sicut aliqua Regalitas in Regno nostro tenetur seu possidetur per quoscunque. Volumus etiam, quod dicti Abbas & Conventus habeant & possideant Capellaniam Capellæ nostræ, ita quod Abbas dicti Monasterii qui pro tempore fuerit, sit Capellanus noster principalis, & unum Concanonicum suum substituat in nostra Capella, loco sui; qui oblationes, obventiones, & omnia alia quæ de jure aut consuetudine ad nostram Capellam spectant, integre percipiat. In cujus rei testimonium, præsentî Cartæ nostræ, Sigillum nostrum præcepimus apponi. Testibus, venerabili in Christo patre Domino Willielmo, Dei gratia, Episcopo Sancti Andree; Roberto Senescallo, nepote nostro; Duncano Comite de Fyfe; Johanne Ranulphi, Comite Moraviæ, Domino Vallis Anandæ & Mannæ; Patricio de Dunbar, Comite Marchiæ; Mauricio de Moravia, Malcolm Fleming, & Thoma de Carnoto, Cancellario nostro, militibus. Apud Monasterium de Dumfermelyne, penultimo die Decembris, Anno Regni nostri, quarto-decimo. Quam quidem Cartam, in omnibus punctis & articulis suis, ac circumstantiis universis, forma pariter & effectu præscriptis, pro nobis & hæredibus nostris, Approbamus, Ratificamus, & in perpetuum Confirmamus. In cujus rei testimonium, præsentî Cartæ nostræ Confirmationis, nostrum præcepimus apponi Sigillum. Testibus Venerab. in Christo Patribus, Waltero & Mattheo, Sancti Andree & Glasguen. Ecclesiarum Episcopis; Roberto Comite de Fife & de Meneteth, fratre nostro carissimo; Archebaldo Comite de Douglas, Domino Galwidæ, consanguineo nostro; Jacobo de Douglas, Domino de Dalketh; Thoma de Erskyne, consanguineis nostris dilectis, militibus; & Alexandro de Cokburne de Langton, Custode Magni Sigilli nostri. Apud Edinburgh, quinto die Aprilis, Anno Regni nostri, primo.

The most Part of this Building was defac'd and levell'd to the Ground, by the Armies of Henry VIII. after the Road of Solloway Moss. At which Time the Baptismal Fonts, (a curious Work of gilded Brass) on which our Kings Children were Christned, were carried from hence to England, and plac'd in St. Albans Church, with the following Inscription: *Cum Letha, oppidum apud Scotos non incelebre, & Edinburgus, primaria apud eos civitas, incendio conflagrarent, Ricardus Laeus, Eques auratus, me, flammis ereptum, ad Anglos perduxit. Hujus ego beneficii memor, non nisi Regum liberos lavare solitus, nunc meam operam etiam infimis Anglorum libenter condixi. Laeus victor sic voluit. Vale. Anno Domini 1344, & Henrici VIII. 36.*

Those Fonts, call'd *The Brazen Font*, by Boetius's Translator, were brought from Abroad by Robert Ballantine, Abbot of this Monastery, a Man eminent for his Holiness; together with 24 Copes of Gold or Silk, a Chalice and Euchariste of fine Gold, several Chalices of Silver, with the great Bells. He thatch'd the Kirk of his Abbey with Lead, says the said Translator, built the Steeple, the

the North Church, or St. *Ninian's* Church, and Bridge of *Leith* 1493, also another Bridge on *Clyde*: and bestowed weekly 4 Bolls of Wheat, and 40 Shil. in Money, on the Poor and Indigent. At length he died a *Carthusian*, near *Perth*, in that Monastery called *Vallis virtutis*. The last Regular Abbot of this Place was *Robert Stuart*, Base Son to King *James V.* by *Euphame* Daughter to the Lord *Elphinston*. After the Forfeiture of *Hepburn* Earl of *Bothwell*, he was created Earl of *Orknay* and *Zetland*, by King *James VI.* Anno 1581. He exchanged his Abbey with the Bishopric of *Orknay* and *Zetland*, and so became sole Lord of these Countries: By which means *Adam Bothwell*, Bishop of *Orknay*, became also Commendator of *Holy-rood-house*, and enjoyed it for several Years. He married *Margaret Murray*, a Daughter of *Polmaise* in *Stirlingshire*, who bore *John*, *Francis*, *James*, *George*, and a Daughter named *Helene*. *John Bothwell* succeeded his Father in 1593, and was created a Peer by King *James VI.* the 20 of *December*, 1607, to be called Lord *Holy-rood-house*. He took to Wife *Mary*, Daughter to Sir *John Carmichael* of that Ilk, by whom he had a Son named *John*, who succeeded to his Honours and Fortune; but he dying without Issue and Heirs, the Title of Lord *Holy-rood-house* became extinct.

## Num. IV.

This Number refers to P. 53.

**S**tratherne in *Perthshire*. where the Frost is strong, and continues long. is mentioned by *Juvenal*, Satyr 2.

Arma quid ultra  
Littora Juvernæ promittimus: & modo captas  
Orchadas, ac minima contentos nocte Britannos?  
And by *Claudian*, Panegy. 2, in laudes *Stiliconis*.  
Me quoque vicinis pereuntem gentibus, inquit,  
Munivit *Stilico*, totam cum *Scotus* *Iernam*  
Movit, & infesto spumavit remige *Tethys*.

Which Verses, with the other Verse of the said Poet, *Carm.* 8,

*Scotorum cumulos flevit glacialis Iernæ*, cannot be applied to any other Part of this World, than to *Stratherne*; as I have shewn elsewhere, in my Answer to *Matthew Kennedy*.

*Buchanan* calls this Stewartry *Iernia*, from the Water of *Earn*, which takes its Head from *Loch-Earn*, towards the *Grampian Hills*, divides the Country, and falleth into *Tay* below *Abernethy*, the Royal Seat of the *Picts*, if we may give Credit to our Histories. *Robert Steward* of *Scotland*, thereafter *Robert II.* was created Earl of *Stratherne*, by his Uncle King *David II.* Anno 1357, as appears by the 2 following Charters granted to the Laids of *Caldore* & *Roslin*, which I have transcribed from the Originals, in their Charter-chests;

David, Dei gratia, Rex Scotorum; Omnibus — Sciatis nos approbasse, ratificasse, & pro nobis & hæredibus nostris in perpetuum confirmasse, donationem & concessionem illam, quam quondam Duncanus Comes de Fyfe fecit & concessit quondam Beatrici de Douglas, sponsæ quondam Archibaldi de Douglas, militis, & hæredibus suis, de baronia de Wester-Caldore; cum pertinent, infra Vicecomitatum de Edinburgh: Et etiam donationem & concessionem illam, quam Willielmus Dominus de Douglas dedit & concessit quondam Jacobo de Sandylandis, & Eleonoræ de Bruys, sponsæ suæ, de prædicta baronia, cum pertinentiis. *Tenend. & Habend.* eidem Eleonoræ & hæredibus suis, inter ipsam & dictum quondam Jacobum procreatis de nobis & hæredibus nostris, in feodo & hæreditate, per omnes — cum omnibus libert. — adeo libere — in omnibus & per omnia, sicut Cartæ prædicti Willielmi Domini de Douglas, eidem quondam Jacobo & Eleonoræ sponsæ suæ, inde confectæ, plenius iuste proportionant & testantur; salvo servitio nostro. In cuius rei testimonium, præsentī Cartæ nostræ, Sigillum nostrum præcepimus apponi. Testibus venerab. in Christo patribus, Willielmo & Patticio; Cancellario nostro, S. Andreæ & Brechin. Ecclesiarum, Dei gratia, Episcopis, Roberto Senescallo Scotiæ, Comite de Stratherne, nepote nostro carissimo; Thoma Comite de Marr, consanguineo nostro dilecto; Willielmo de Levynghton, Willielmo de Ramisay, Roberto de Erskyn, Johanne de Preston, militibus. Apud Edinburgh, vicesimo die Januarii, Anno Regni nostri, vicesimo-octavo.

David, Dei gratia, Rex Scotorum; Omnibus — Sciatis nos dedisse, concessisse, & hac præsentī Cartā nostrā confirmasse dilecto & fideli nostro Willielmo de Sancto Claro, omnes terras de Merton & de Merchamynton, cum pertinentiis, infra Vicecomitatum de Edinburgh; quas Willielmus Bysett, coram venerab. in Christo PP. Willielmo & Patricio, Cancellario nostro, Sancti Andreæ & Brechin. Dei gratia Ecclesiarum Episcopis; Thoma Bysett, Willielmo de Ramisay & David de Anandia, militibus, ac aliis Magnatibus Regni nostri. Apud Edinburgh, decimo die Februarii, Anno Dom. 1357, nobis per fustum & baculum fursum reddidit & resignavit, ac totum jus & clameum quod in dictis terris habuit, vel habere potuit in futurum, pro se & hæred. suis, mera & spontanea voluntate sua, quietum clamavit in perpetuum. *Tenend. & Habend.* eidem Willielmo & hæredibus suis, de nobis & hæredibus nostris, in feodo & hæreditate, per omnes rectas metas & divisas suas, in boscis & planis — adeo libere & quiete, in omnibus & per omnia, sicut dictus Willielmus Bysett, dictas terras, cum pertinent. ante resignationem de dictis terris nobis factam, liberius, quietius, plenius & honorificentius, de nobis tenuit seu possedit. *Faciendo* nobis & hæredibus nostris, ipse Willielmus & hæredes sui, servitium de prædictis terris debitum & consuetum. In cuius rei testimonium, præsentī Cartæ nostræ Sigillum nostrum præcepimus apponi. Testibus venerab. in Christo Patribus Willielmo & Patricio, Cancellario nostro Scotiæ, Sancti Andreæ & Brechin. Ecclesiarum, Dei gratia, Episcopis; Roberto, Senescallo nostro Scotiæ, Comite de Stratherne, Thoma Comite de Marr, Willielmo Comite de Douglas, Willielmo de Levynghton, Thoma Bysett,



fett, Willielmo de Ramifay & David de Anandia, militibus; & multis aliis.  
Apud Edinburgh, praedicto decimo die Februarii, praedicti anni Regni no-  
stri, vicesimo-octavo.

When King Robert came to the Crown in 1371, he bestowed this Earldom upon David, his eldest Son by Euphame Ross, his 2d Wife, whose only Daughter Euphame was given in Marriage to Patrick Graham, who, in her Right, became Earl of Stratherne. Their Son Malyse was also Earl thereof, till such time as King James I. busied with the Thoughts of increasing his Revenues, quarrelled his Right, notwithstanding that the Title had been given to his Grandfather, and his Heirs whatsoever; as is clear from the Evidences and Writings granted by King Robert to Earl David his Son, P. 51 & 53. Yet William Earl of Monteith, President of his Majesty's Council, was Serv'd and Retoured Heir to David Earl of Stratherne. his Ancestor, in Curia Vicecomitatus de Edinburgh, tenta in praetorio burgi ejusdem, coram Domino Ludovico Laavedre de Over-Gogar, milite, Vicecomite principali dicti Vicecomitatus, specialiter constituto, vicesimo quinto die mensis Maii, Anno Dom. 1630, virtute dispensationis, ex deliberatione Dominorum Concilii, penes praesens vacantiarum tempus concess. And by the Prince's exceeding Favour, was restor'd to his Descent, and to the Earldom of Stratherne; which gave way to William Drummond of Hawthornden to fill up his Memorials of State with a great deal of Stuff and Nonsense, P. 351, Impress. London, 1681.



## Num. V.

This Number refers to P. 115.

OUR Kings were set on the Throne and Crowned with a great deal of Pomp and Solemnity, very early; nevertheless they were not Anointed with Oil till the 1331; in which Year my Manuscript, Codex Hayanus, L. 27, Cap. 9, says, Anno Domini 1331, octavo Calend. Decemb. inunctus est in Regem David puer octennis, filius Domini Roberti de Broys Regis, apud Sconam, per ministerium D. Jacobi Ben. Epif. S. Andreae, per bullam D. Johannis XXII. Romanae Ecclesiae Antistitis, de ungendo, & alia solemnia intermiscendo.

It appears by a Bull of Pope John XXII. dated at Avignon, Idibus Junii, or the 13th of June, Anno Pontificatus sui decimo-tertio, that King Robert I. was desirous to receive those Unctions, which gave a Preheminence or Prerogative to all Christian Princes at the Court of Rome, as it was regulate under Julius II. Anno 1504; according to his Ceremonial, penn'd by Paris de Grassis, his Master of Ceremonies: From whose Manuscript, in my Library, I shall transcribe the following Table, which ends this Work.

Ordo

*Ordo Regum & Ducum, ex Paride de Grassis, Bononiensis, Magistro Ceremoniarum,  
sub Julio II. Pontifice Maximo.*

**Ordo Regum.**

*Imperator Caesar.  
Rex Romanorum.  
Rex Franciae.  
Rex Hispaniae.  
Rex Arragoniae.  
Rex Portugalliae.  
Rex Angliae, discors cum tribus  
praedictis.  
Rex Siciliae, discors cum Rege  
Portugalliae.  
Rex Scotiae.  
Rex Hungariae.  
Rex Navarrae, inter se discordes.  
Rex Cypri.  
Rex Bohemiae.  
Rex Poloniae.  
Rex Daniae*

**Ordo Ducum.**

*Dux Britanniae.  
Dux Burgundiae.  
Dux Bavariae, Comes Palatinus.  
Dux Saxoniae,  
Marchio Brandeburgensis.  
Dux Austriae.  
Dux Sabaudiae.  
Dux Mediolanensis.  
Dux Venetiarum.  
Dux Bavariae.  
Dux Lotharingiae.  
Dux Barthoniae.  
Dux Aurelianensis.  
Dux Januae.  
Dux Ferrariae.  
Dux Florentinae Reipublicae : Cujus admini-  
stratio, foedere cum Carolo V. inito, a Cle-  
mente VII. ordinata est penes Medicos,*

*qui absoluta potestate fruuntur, & nemini, ratione domini, subjiuntur ; & Ma-  
gni Ducis dignitatem, Pontificis beneficio, acceperunt. Anno 1568.*



